

THE CATECHUMENATE AND ITS CANONICAL IMPLICATIONS

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A comparative study of *CCEO* c. 587 and *CIC* c. 788 on the catechumenate shows the juridical nature of the catechumenate in both codes. First of all, there is no substantial difference between the two canonical norms. Both *CCEO* and *CIC* canons resemble the ancient catechumenate and reproduce the Second Vatican teaching on the catechumenate. At the end of the analytical study of canons on the catechumenate in both codes, it is possible to arrive at a conclusion that sacramental initiation is not possible without due preparation and the catechumenate is an essential requirement for adult baptism. In particular, the Church has a special concern for catechumens, cherishes them as her own and grants them various prerogatives. The codes, however, did not go into this question at length but rather left it to the bishops' conferences in *CIC* and particular law of each Church *sui iuris* in *CCEO* to lay down norms regarding the catechumenate, deciding what the catechumens are to do and what prerogatives they should enjoy.

Introduction

The Church in its nature is missionary and the proclamation of good news is her primary duty. This missionary dimension of the Church is evident in all her activities, especially the specific activities related to evangelization. The people attracted by the gospel message undergo a specific period of preparation called the catechumenate in order to become the members of the Church. Destined for adults in preparation for baptism, the catechumenate is characterized as a journey of

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Christian initiation in different stages. This journey is culminated with the reception of the sacraments of Christian initiation: baptism, chrismation with holy *myron* or confirmation and Holy Eucharist. The comparative study of CCEO and CIC¹ is an attempt to show the complementarity and difference between the two legislations regarding the catechumenate. A close examination of CCEO c. 587 and CIC c. 788 will enable us to make out these differences.

1. The Juridical Interpretation of CCEO c. 587: The Process of the Catechumenate

CCEO c. 587 states:

§1. Persons who desire to join the Church are to be admitted with liturgical ceremonies to the catechumenate, which is not a mere presentation of teachings and precepts, but a formation in the whole Christian life and a suitably extended apprenticeship.

§2. Persons who are ascribed in the catechumenate have the right to be admitted to the liturgy of the word and other liturgical celebrations not reserved to the Christian faithful.

§3. It is for particular law to enact norms to regulate the catechumenate, determining what is to be done by the catechumens and what prerogatives are recognized as theirs.

The juridical interpretation of c. 587 confirms the ancient institution of catechumenate. In three paragraphs the canon exposes three important elements of the system of the catechumenate. They are: 1) Admission to the catechumenate; 2) The rights and duties related to this stage and 3) The role of particular law of each Church *sui iuris* to regulate the catechumenate. The canon is connected to c. 682 §1 on adult baptism. Though both canons have an implication regarding adult baptism and

¹ When Pope John Paul II presented the *Codex Canonum Ecclesiarum Orientalium* (CCEO) to the twenty-eighth General Congregation of the Synod of Bishops on October 25, 1990, he urged that a proper and comparative study of both codes be promoted in Faculties of Canon Law: "In presenting to this assembly, so representative of the universal Church, the Code which governs the common discipline of all the Eastern Catholic Churches, I regard it as part of one "Corpus Iuris Canonici"...considering this 'Corpus', it appears obvious to urge that a proper and comparative study of both Codes be promoted in Faculties of Canon Law even if, by their constitutions, they have the study of one or the other of Codes as their principal subject matter. Indeed a canonical science that fully corresponds with the degree of studies that these Faculties confer cannot omit such a study," AAS 83 (1991) 490, quoted by J. Abbass, *Two Codes in Comparison*, Kanonika 7, Roma: PIO, 1997, 15.

the catechumenate,² neither c. 587 explicitly mentions that the catechumenate is meant for adults, nor has c. 682 §1 a particular reference to the catechumenate. The different components of the institution of the catechumenate, as it existed in the early Church and was designed by the Second Vatican Council acquire a juridical nature in CCEO c. 587.

1.1. The Admission to the Catechumenate and Its Meaning (c. 587 §1)

There are four essential elements that specify the period of catechumenate in §1. Two of them state the requirements for admission (1) the desire to join the Church and (2) admission to the catechumenate with liturgical ceremonies. Of the other two, the first one gives a clear account on what a catechumenate is not and the second one defines it positively. Negatively speaking, the catechumenate is not a mere presentation of teachings and precepts. Positively, the catechumenate is a formation in the whole Christian life and a suitably extended apprenticeship. The following is an individual canonical analysis of all these four elements.

1.1.1. The Desire to Join the Church

The expression "persons who desire to join the Church" denotes one's willingness to embrace the faith in Christ as the basic quality that the Church requires from a catechumen. This concept would be better understood in the light of c. 682 §1 where it demands for adult baptism: "he or she manifest a desire to receive baptism." Canon 9 §1 conveys the same idea when it describes that a catechumen is one "under the influence of the Holy Spirit, ask to be incorporated into the Church by explicit choice." Therefore, for a catechumen to be incorporated into the Church or for the reception of baptism, the intention or will is a necessary requirement and this constitutes a juridical act (c. 931).³ Pope Francis in the recent encyclical letter *Lumen*

² Though the primary concern of c. 587 is the institution of the catechumenate, it is more general in referring to 'persons' who desire to join the Church; there is no mention of adults. But together with c. 682 §1, the canon implies that the catechumenate is meant for adults. Similarly though c. 682 §1 speaks of adult Baptism and its requirements which are properly the characteristics of catechumenate, there is no explicit mention of the word catechumenate.

³ Canon 931 §1: "For the validity of a juridic act, it is required that the act be placed by a qualified and competent person and include those things that essentially constitute the act itself as well as the formalities and requirements imposed by law for the validity of the act."

fidei in n. 35 illustrates the characteristics of those who are in search of God. Ns. 39-43 of the document explain the relation between faith and incorporation into the Church in the following words:

It is impossible to believe on our own. Faith is not simply an individual decision which takes place in the depths of the believer's heart, nor a completely private relationship between the "I" of the believer and the divine "Thou", between an autonomous subject and God. By its very nature, faith is open to the "We" of the Church; it always takes place within her communion. We are reminded of this by the dialogical format of the creed used in the baptismal liturgy. Our belief is expressed in response to an invitation, to a word which must be heard and which is not my own; it exists as part of a dialogue and cannot be merely a profession originating in an individual.⁴

This is valid for the Christian faithful as well as for the catechumens who desire to be incorporated into the Church. Therefore, the desire to join the Church implies a serious intention to be part of the faithful and not a mere curiosity to know the mysteries of Christian faith and life.⁵ There could be different distorted motives behind this desire - it may be a personal problem, a crisis in the family, financial motives, wanting to marry a Catholic, etc. In such cases, it is better to direct them to leave such motives and introduce them to the true mystery of faith. Such situations recall the need of the public manifestation of the desire in some way according to c. 682 §1 and c. 9 §1.

D. Salachas points out this aspect in the following way: the manifestation of the wish to join the Church could be done either orally or in written form for the evaluation of the missionary.⁶ A question that is inherent in the manifestation of a person's will to join the Church is: Is the act voluntary or not? The answer on the part of the Church is emphatic in c. 586.

It is strictly forbidden to coerce, to induce through improper practices or to allure anyone to join the Church; however, all the

⁴ Francis, litt. encycl. *Lumen Fidei*, 29 iun. 2013: AAS 105 (2013) 581. The English translation is from http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20130629_enciclica-lumen-fidei.html (accessed on 04th November 2013).

⁵ A. D'Auria, "Verso uno statuto per il catecumenato: la produzione normativa delle Conferenze Episcopali," *Ius Missionale* 2 (2008) 89.

⁶ Cf. D. Salachas, *Il magistero e l'evangelizzazione dei popoli nei codici latino e orientale*, Bologna: Edizioni Dehoniane, 2001, 143.

Christian faithful are to take care that the right to religious freedom is maintained, lest anyone be hindered from embracing the Church by unjust harassment.

So the Church strictly forbids the involuntary desire to receive the faith in Christ. From the part of the candidate, the person has full freedom to decide which comes under the divine law.⁷ In the case of baptism, the juridical characteristic of the "intention" is an essential element for the reception of the sacrament.

1.1.2. The Admission to the Catechumenate with Liturgical Ceremonies

After the preliminary act - the expression of the desire to join the Church - the catechumenate proper begins with the admission to the catechumenate through some liturgical ceremonies.⁸ This rite of admission into the order of catechumens has considerable importance from the time of the Fathers of the Church.⁹ It sets aside a unique occasion where the interaction between the catechumen and the Church brings certain juridical characteristics (c. 9). From the part of the Church, this is a formal act by which the Church recognizes a juridical relationship with the catechumens. The act of admission to the catechumenate takes place normally in the context of a liturgical ceremony presided over by the pastors of the Church. This is the occasion for the catechumens to manifest publicly their intention to be incorporated into the Church and is done before the pastor who presides over the celebration in the presence of the community of faithful. The right to admit one to the catechumenate belongs to the pastors or the people who have the right to judge the catechumen's

⁷ Related to this aspect of a person's freedom to accept the Christian faith or not, some examples of the rights and duties which come under the divine law are: the obligation to search the truth and embrace it, the right to immunity from coercion, the right to the reception of the sacrament of baptism, if someone who is properly disposed, request it. Cf. D. Salachas, *Il magistero e l'evangelizzazione dei popoli*, 144.

⁸ *Ad Gentes*, n. 14: AAS 58 (1966) 962-963.

⁹ For example St. Cyril in his mystical catechesis comments: "Et haec quidam in exteriori aede sunt gesta; Deo autem volente, cum in sequentibus Mystagogiis in Sancta sanctorum ingrediemur [...]". S. Cyrillus Hierosolymitanus, *Catechesis 19, Mystagogia I, 11*: PG 33, 1075; Gregory of Nyssa in his discourse on baptism speaks: "Es extra paradisum, catechumene, socius exsiliis Aadae primi nostri parentis. Nunc autem ostio tibi aperto ingrediere unde es egressus [...]". Gregorius Nysseni, *Adversus eos qui differunt baptismum oratio*: PG 46, 417.

suitability to enter into the catechumenate with the help of catechists, godparents and other people.¹⁰ The purpose of the liturgical ceremonies is to rectify the decision of the person and in the strict sense evokes the pastors' responsibility to give them the faith formation. With the admission to the catechumenate, the person acquires the juridical status of the catechumens in the Church.¹¹ The reference to the special liturgical ceremonies in connection with the admission to the catechumenate indirectly refers to the liturgical prescriptions that are to be contained in the appropriate liturgical books of the Church.

1.1.3. Catechumenate is not a Mere Presentation of Teachings and Precepts

As already mentioned, the canon makes it clear in a negative and positive way, what the catechumenate means. Negatively "the catechumenate is not a mere presentation of teachings and precepts." The expression "not a mere" indicates that canon law neither excludes the presentation of the Church's teachings and precepts in the catechumenal formation nor limits the formation to just doctrinal presentations but rather intends to go beyond. The purpose of the catechumenate is, thus, not only to impart, for example, the teaching of the Church's faith, morals, catechism, prayers, etc. but also intends to give a holistic Christian formation to the catechumens covering the spiritual, liturgical and exemplary way of living. In another way, the catechumenal formation must not be limited to a learning formation. Therefore, the particular law of each Church *sui iuris* (c. 587 §3) must take into consideration this aspect of the catechumenate in enacting norms regarding the regulation of the catechumenate. In a positive sense, the explanation of the doctrinal truths to the catechumens is not to be neglected, as the purpose of the instruction is to awaken the faith in them. Thus the effective catechesis brings the catechumen to maturity. The catechumenate in CCEO is a special type of catechumenate with successive intervals mentioned in AG, n. 14: "catechumens should be properly instructed in the mystery of salvation and in the practice of Gospel morality, and by sacred rites which are to be held at successive intervals[...]"¹² Though the

¹⁰ This is an English translation with some minor modifications by the author of an Italian quote by D. Salachas taken from the book G. Martin, *L'azione missionaria della Chiesa nella legislazione canonica*, Roma: 1993, 106.

¹¹ Cf. D. Salachas, *Il magistero e l'evangelizzazione dei popoli*, 143.

¹² *Ad Gentes*, n. 14: AAS 58 (1966) 962-963.

imparting of doctrine remained the essential part of the catechumenate for many centuries, the code stipulates that the catechumens are to be introduced into the practical life of the Church too.

1.1.4. Catechumenate is the Formation of Christian Life and Suitably Extended Apprenticeship

Canon 587 §1 defines the catechumenate as "formation in all the Christian life and an apprenticeship duly lasted for some time." The term formation means the action of teaching, training, education or a method or principle of instruction¹³ and the word apprenticeship signifies the state of being new to a profession, public life, youthful inexperience, etc.¹⁴ Both terms together carry with them the connotation of a formation period for beginners that lasts for a long time. To express this idea, c. 682 §1 further specifies that the apprenticeship should be a period that is long enough for sufficient instruction in the truths of the faith and testing in the Christian life. The formation of catechumens includes various elements at the theoretical and practical level. Both dimensions are inherent in the liturgical, catechetical and community formation. AG 13 explains the Christian way of living as:

Under the movement of divine grace the new convert sets out on a spiritual journey by means of which, while already sharing through faith in the mystery of the death and resurrection, he passes from the old man to the new man who has been made perfect in Christ. This transition which involves a progressive change of outlook and morals, should be manifested in its social implications and effected gradually during the period of the catechumenate.¹⁵

Becoming familiar with the Christian life is an essential aspect of the catechumenate, since its objective is to give a taste of the essence of Christian culture to the catechumens. Thus they attain the expected self-transformation of life by adhering more to the gospel values.

¹³ Cf. P.G.W. Glare, ed., *Oxford Latin Dictionary*, Oxford: Clarendon Press, 1982, 929-930. The verb *instituo-uere-uī-ūtum* has given 6 sets of meaning and the noun *institūtīō-ōnis* has given four sets of meaning.

¹⁴ Cf. *Ibid.*, 943. The noun *tīrocinium* has given two sets of meaning: (1) The condition of newly enlisted soldiers, military inexperience; the initial period of service; (2) The state of being new to a profession, public life etc. apprenticeship; youthful inexperience.

¹⁵ *Ad Gentes*, n. 13: AAS 58 (1966) 961-962.

Therefore, the program of formation should be duly organized in such a way that the intellectual formation of catechumens relative to each one's capacity introduces them into the life of faith, the liturgy and the community of the Christian faithful. Thus the catechumens experience the elements of spirituality and community witness as part of their formation. The formation in the whole Christian life and a suitably extended apprenticeship prescribed by the law implies not only the above mentioned intellectual, spiritual and sacramental assistance, but also a certain way of participating in the evangelization activity of the Church. The catechumens express this mode of witness in their life principally by professing their faith.¹⁶ Thus, slowly they develop a *sensus Ecclesiae* by way of their co-operation in the evangelization activity and edification process of the Church through their witness of life and faith. At this point, the catechumens feel a *vinculum communitarium* that enables them to be in a special bond with the whole Catholic Church. The whole ecclesial community, for example, the bishop, priests, godparents and all the Christian faithful actively participate in the community formation of the catechumens. The formation period ends with the reception of the sacraments of initiation.¹⁷

1.2. Ascription to the Catechumenate and the Right of Catechumens Different from Other Christian Faithful (c. 587 §2)

Canon 587 §2 emphasizes three important elements of the catechumenate: (1) The ascription to the catechumenate; (2) The right to be admitted to the liturgy of the word and other liturgical celebrations and (3) the catechumens' difference from the Christian faithful.

1.2.1. Ascription to the Catechumenate

The phrase "persons who are ascribed in the catechumenate" in §2 has no explicit account of the mode of ascription. But it can be assumed that the ascription of the name of the catechumens is done in a register kept for this purpose. This argument is implicitly confirmed in c. 296 §1 when it states:

¹⁶ N. Loda, *L'evangelizzazione delle genti e le Chiese orientali cattoliche*: cc. 584-594 CCEO," in *Cogregazione per le Chiese Orientali, Ius Ecclesiarum vehiculum caritatis: atti del simposio internazionale per il decennale dell'entrata in vigore del Codex Canonum Ecclesiarum Orientalium*, Città del Vaticano: 19-23 Novembre 2001, 297-298.

¹⁷ A. D'Auria, *Ius Missionale* 2 (2008) 93-94.

In the parish there are to be parish registers, namely, of the baptized, of marriages, of the deceased and others in accord with the norms of the particular law of the respective Church *sui iuris* or lacking these, those laid down by the eparchial bishop. The pastor, with respect to these same norms, is to see that the parish registers are filled in and preserved properly.¹⁸

Here in the canon, the catechumens are included in the category of the general expression "others." Since the common law leaves to the particular law the provision of making norms regarding regulation of the catechumenate, the details of the mode of ascription to the catechumenate also comes under this provision. The act of ascription itself constitutes a proof for the juridical status of the catechumens. With the admission and ascription to the catechumenate, the catechumens enter into the framework of the Church's legal structure by virtue of c. 9. The candidates henceforward acquire an identity and are referred to as "catechumens" proper.¹⁹ Thus the catechumens are distinguished from other non-believers or non-baptized and from the baptized persons who acquire the juridical status of Christian faithful in the Church (c. 7).

1.2.2. Admission to the Liturgy of the Word and Other Liturgical Celebrations

With the ascription to the catechumenate, the catechumens are admitted to the liturgy of the word and other liturgical celebrations which are not reserved to the Christian faithful.

However this does not mean that the *arcane discipline* of the first centuries has been reinstated, which, when still in vigor, permitted only the baptized to be present during the sacrificial part of the liturgy. The Byzantine liturgy has preserved the call of the deacon to the catechumens that they should leave the Church after

¹⁸ CCEO c. 296 §1: "In paroecia habeantur libri paroeciales, liber scilicet baptizatorum, matrimoniorum, defunctorum aliique secundum normas iuris particularis propriae Ecclesiae sui iuris aut, si hae desunt, ab ipso Episcopo eparchiali statutas; prospiciat parochus, ut libri paroeciales servatis eisdem normis recte conscribantur atque asserventur".

¹⁹ Cf. P. Machado, *The Catechumenate and Its Canonical Implications with Special Reference to c. 788*, Romae: Pontificia Universitas Urbaniana, 1997, 79.

the liturgy of the Word and before begins the anaphora, the Eucharistic sacrifice (sic).²⁰

But in a way, the traditional *praxis* that the catechumens were allowed to take part in the liturgy of the word became a canonical right of the catechumens in c. 587 §2. Another expression that needs clarification in the canon is “other liturgical celebrations which are not reserved to the Christian faithful.” Some instances could be Church funerals, sacramentals, divine office, etc. Now the question arises, what are the liturgical celebrations reserved to the Christian faithful? Examples would be the liturgy of the Eucharist and the reception of other sacraments. Fr. George Nedungatt clarifies this aspect in the following way:

While the catechumens are excluded from the reception of the sacraments, their presence is not per se excluded from the celebration of any of the other sacraments. In practice, provided they do not receive the Holy Eucharist at communion time like the faithful, they need not be excluded from the Eucharistic community, unless there are secondary questions involved: e.g. if the presence of the catechumens deprives the faithful of their rights (limited seats or space), the faithful have obviously precedence. These and other such details about the rights and duties of the catechumens and of the bylaws of the catechumenate are left to the particular law (§3).²¹

The participation of catechumens in the liturgical celebrations of the Church helps them to grow in their faith, nourishes their belongingness to the Church community and strengthens them with God’s blessings.²² The early Christian Basilicas had different structural settings, each one having its own liturgical functions. The classification of the Christian community in different categories and the need to make sure that each category occupied its proper place during the liturgical celebration necessitated the construction of a series of such

²⁰ V.J. Pospishil, *Eastern Catholic Church Law*, Rev. and Aug. Ed., New York: Saint Maron Publications, 1996, 361.

²¹ G. Nedungatt, ed., *A Guide to the Eastern Code*, Kanonika 10, Rome: PIO, 2002, 420-421.

²² It is worth to note here the words of the Maronite Patriarch of Antioch, Cardinal Meouchi, during the discussion of the Council Fathers on the catechumenate in the preparatory period of Vatican II: “Le catéchuménat est une initiation au mystère chrétien par une participation réelle mais progressive à la vie de la Communauté et par sa liturgie,” *Acta Syn.*, vol. IV-III, 870.

places in front of the Church. The catechumens also found their place there. The catechumens were not allowed to enter into the Church and therefore they had to participate in the liturgical celebration from the place assigned for them outside the Church.²³

1.2.3. The Difference between Catechumens and Christian Faithful

CCEO dedicates twenty canons, cc. 7 – 26 of Title I: "The Rights and Obligations of all the Christian Faithful", to expose the juridical status of the Christian Faithful in the Church. It is interesting that among the twenty canons, c. 9 is on the juridical relationship of catechumens with the Church. So, naturally it is possible to conclude that the code includes the catechumens among the Christian faithful, but at the same time distinguishes them from the Christian faithful. For a better understanding of the concept, our first glance goes to c. 7 which defines the juridical status of Christian faithful as:

The Christian faithful are those who, incorporated as they are into Christ through baptism, are constituted as the people of God; and so participating in their own way in the priestly, prophetic and royal function of Christ, they are called, each according to his/her condition, to exercise the mission which God has entrusted to the Church to fulfil in the world.

So CCEO c. 7 §1 defines the Christian faithful as people who are incorporated into the Church through baptism. Baptism is the basic juridical element that makes the distinction between catechumens and the Christian faithful. Though catechumens have a special juridical bond with the Church and enjoy certain rights, they are not included in the category of the Christian faithful since they have not yet received the sacrament of baptism.

1.3. The Competence of Particular Law to Enact Norms Regarding the Catechumenate (c. 587 §3)

As discussed earlier, CCEO recognizes some determined prerogatives and obligations of the catechumens.²⁴ However, CCEO leaves to the

²³ Cf. L. Lorusso, "Il catecumenato nel can. 587 del CCEO," *Ius Missionale* 8 (2014) 174.

²⁴ My intention here is to give only a general juridical analysis of c. 587 §3. More details and the precise application of this canon in the particular law of each Church *sui iuris* or the norms on the catechumenate enacted by the particular law of individual Churches *sui iuris* will be explained in the third chapter.

particular law of the Church *sui iuris*²⁵ to enact statutes or norms to regulate the catechumenate, what is to be done by the catechumens and what prerogatives are recognized as theirs (c. 587 §3).²⁶ This is a concrete application of the principle of subsidiarity²⁷ first proposed by the faculty of canon law of the Pontifical Oriental Institute at the request of the Pontifical Commission for the Revision of Code of Canons of the Eastern Churches. Later it was inserted into the guidelines for the revision of the code and had great influence on the formation of canons in CCEO. Why does CCEO give a lot of space to the particular law of each Church *sui iuris* to enact specific norms? One of the clarifications given by Ivan Žužek is the following: The Code of Canons of the Eastern Churches common to twenty one Churches *sui iuris* has to safeguard the “variety of local Churches with one common aspiration” (*Lumen Gentium* 23), while the fundamental homogeneity is limited to what is “considered necessary for the common good of all Churches.”²⁸ The Apostolic Constitution *Sacri Canones* remarks:

Our intention regarding these things is that those who enjoy legislative power in each of the Churches should take counsel as soon as possible for particular norms, keeping in mind the traditions of their own rite and the precepts of the Second Vatican Council.²⁹

Therefore, regarding the catechumenate, c. 587 §3 requires that each Church *sui iuris* must provide a proper legislative reference which is in conformity not only with the proper ecclesial, but also with the political and social situation, and especially with the proper identity of each Church *sui iuris* according to cc. 27-28. The code has reserved for

²⁵ CCEO in c. 1493 §2 gives the definition of particular law: “However, under the name particular law come all laws, legitimate customs, statutes and other norms of law, which are neither common to the entire Church nor to all the Eastern Churches.”

²⁶ CCEO c. 587 §3: “It is for particular law to enact norms to regulate the catechumenate, determining what is to be done by the catechumenate and what prerogatives are recognized as theirs.”

²⁷ Cf. *Nuntia* 28 (1989) 9.

²⁸ Cf. I. Žužek, *Understanding the Eastern Code*, Kanonika 8, Rome: PIO, 1997, 362. Žužek made this comment basing it on the Apostolic Constitution *Sacri Canones*. Cf. Ioannes Paulus II, const. ap. *Sacri Canones*:AAS 83 (1990) 1030.

²⁹ *Ibid.*, 1038. “Quibus de rebus mens Nostra est, ut qui legislativa potestate in singulis Ecclesiis sui iuris gaudent, peculiaribus normis, proprii ritus traditionibus prae oculis habitis necnon Concilii Vaticani II praeceptis, quam celerrime consulant.”

itself a primary and general concern in regard to the catechumenate, since it defines the nature and characteristics of the catechumenate in c. 587 §1 and §2. Having done this, the particular law is left with a subsidiary role to plan the organization of the catechumenate and to define the juridical status of catechumens in their proper Church *sui iuris*.

1.4. Brief Comparison with CIC c. 788

According to the directives of Vatican II, the canon on the catechumenate is particularly important in the mission territories where the catechumenate and the Christian initiation of adults is a norm rather than an exception.³⁰ As far as *CIC* is concerned, the juridical interpretation of the canon on the catechumenate cannot be done without the assistance of the liturgical law in *Rite of Christian Initiation of Adults (RCIA)* since the matter of c. 788 §§1&2 is largely determined by the liturgical law in *RCIA*. However, this is not contrary to the canons of this code (c. 2). Paragraph three (§3) is juridical in nature. For *CCEO*, such a complementary liturgical law regarding Christian initiation and the catechumenate is not yet issued apart from some implicit normative references in the document-*Instruction for Applying the Liturgical Prescriptions of CCEO* - by the Congregation for the Eastern Churches.³¹ The Sacred Congregation for the Divine Worship and Discipline of the Sacraments in its reflections on the *Rite of Christian Initiation of Adults* states that the psychological condition of the non-catechized Catholics resembles that of the catechumens. Therefore, keeping the juridical validity of the sacraments received, they are to follow the same order of instruction as that of catechumens in catechesis.³²

At the very first reading itself, one could grasp the differences between the *CCEO* and *CIC* norms on the same subject. I think, in some cases, *CIC*, as it is clearer in its terms and expressions, adds meaning and fullness to the *CCEO* canon. For example, the basic quality that is required from a person who wants to join the Church is the desire (*CCEO*) or as it is conveyed by *CIC*, the manifestation of the wish, to become a member of the Church. While *CCEO* uses the expression

³⁰ The Canon Law Society Of Great Britain And Ireland, *The Canon Law Letter and Spirit*, London: Geoffrey-Chapman, 1995, 434.

³¹ The specific references to the catechumenate and Christian initiation in this document will be studied towards the end of this chapter.

³² Sacred Congregation For Divine Worship, *Reflections on the Rite of Christian Initiation of Adults*, chapter 4, 8 March 1973: DOL, 761.

“the persons who desire to join the Church” (c. 587 §1), *CIC* advances it by specifying, “those who have expressed the wish to embrace the faith in Christ” (c. 788 §1). There is a clear difference between the two expressions, but it does not mean that there is any substantial difference between the canons. *CIC* emphasizes the public manifestation of the initial desire of the person to embrace the faith in Christ and *CCEO* implies the same by c. 9 where the catechumen’s expression of the explicit desire to be incorporated into the Church is mentioned. One of the exegetical interpretations of the canon states:

The wish to embrace the faith in Christ is the same as the wish to join the Church (*CIC* c. 206), both aspects occur simultaneously upon receiving baptism and are therefore interchangeable (*CIC* c. 204 §1). This wish, then, must be expressed outwardly in a way that is juridically verifiable, constituting a real juridical act on the part of those desiring to join (*CIC* c. 124).³³

Secondly, both in *CCEO* and *CIC* the canon is not clear if the catechumenate is meant for adults or children or both of them. The general term “the persons” in *CCEO* and “those who” in *CIC* can include both children and adults.³⁴ However, according to the ancient practice of the Church, the catechumenate was meant for adults and in the Latin Church today there exists a system of catechumenate for adults and children. In the Oriental Catholic Churches, the *particular law* of each Church *sui iuris* has to enact specific and detailed norms for the initiation process and an organized system of catechumenate.³⁵ “Adults” in the canonical system is to be taken according to c. 1136 §3 of *CCEO* and c. 1478 §3 of *CIC*.

³³ A. Marzoa - J. Miras - R. Rodríguez - Ocaña, ed., *Exegetical Commentary on the Code of Canon Law*, vol. 3 (1-2004) 175. The rite of the public expression of faith by adults is included in the rite of welcome into the community. *RCIA* clearly states that the bringing of the candidates into the Church must not have the appearance of the incorporation into the community and it should have a different rite. Cf. *RCIA*, 12: *DOL*, 738.

³⁴ It is relevant to note the opinion of Salachas in this respect: “Nella costruzione della Chiesa si apre un ampio spazio al periodo catecumenale; si intende delle persone adulte che si dispongono a ricevere il battesimo (età adulta ai sensi del cc. 1478 § 3; 1136 § 3)”. D. Salachas, *Il magistero e l’evangelizzazione dei popoli*, 139.

³⁵ “Today in all the rites, Latin and Eastern, the Christian initiation of adults begins with their entry into the catechumenate and reaches its culmination in a single celebration of the three sacraments of initiation: Baptism, Confirmation and the Eucharist” (*CCC*, n. 1233). English translation

Thirdly, the catechumenate is different from adult baptism though there is a lot of similarity with it and its requirements. In the case of adult baptism, the catechumenate is the formation period for the adult who intends to receive baptism as per *CIC* c. 851, 1^o. The necessary prerequisites for adult baptism are explained in *CIC* c. 865 §1 and *CCEO* c. 682 §1. The manifestation of the intention or the will to receive baptism is absolutely necessary. "The adult who has no intention to receive the sacrament is baptized neither licitly nor validly. Likewise, if the adult who receives baptism excludes the sacramentality of baptism he/she is not baptized validly."³⁶

To be admitted to the catechumenate, *CCEO* c. 587 §1 mentions a single prerequisite, that is, the desire to join the Church. But *CIC* c. 788 §1 requires from the catechumen, the expression of the wish to embrace the faith in Christ and the completion of the period of a preliminary catechumenate. The liturgical law of the Latin Church, *RCIA* also gives sufficient room for the period of pre-catechumenate and explains that this period is a stage of initial conversion on the part of the candidates. On the part of the Church or missionaries this is the first fruit of their effort to transmit the gospel message to the people. This phase of evangelization should be of sufficient duration to discern the candidate's readiness and temperament, to show his/her first signs of conversion and to develop their initial faith.³⁷ The whole period of the pre-catechumenate is set aside for this evangelization, so that the genuine will to follow Christ and seek baptism may mature.³⁸ Though there is no explicit mention of the pre-catechumenate in *CCEO* c. 587 §1 it can be concluded that in every evangelization process, the period of pre-catechumenate is implicitly inherent and is so in practice in the Eastern Churches too.

While *CCEO* c. 587 §2 uses a general expression "persons who are ascribed in the catechumenate" *CIC* c. 788 §1 is more specific: "their names are to be inscribed in the book which is kept for this purpose." The term "ascription" - *ascripti* - is specific to *CCEO*, while *CIC* uses the

is from *Catechism of the Catholic Church*, 2nd ed., Revised in accordance with the official Latin text promulgated by Pope John Paul II, Città del Vaticano: Libreria Editrice Vaticana, 1997, 316.

³⁶ D. Salachas, "L'azione missionaria nella legislazione della Chiesa", *Euntes Docete* 54 (2001) 35.

³⁷ Cf. *RCIA*, 9-13: The International Commission On English In The Liturgy, *Documents on the Liturgy 1963-1967: Conciliar, Papal and Curial Texts*, Collegeville, Minnesota: The Liturgical Press, 1982, 737-738.

³⁸ Cf. *RCIA*, 10: *DOL*, 738.

word “inscription” - *scribantur*. Again, in *CCEO* c. 587 §2, there is the particular mention of the right of catechumens to be admitted to the liturgy of the word and other liturgical celebrations not reserved to the Christian faithful. But *CIC* is satisfied with the broader concept “catechumens are to be initiated into the mysteries of salvation and introduced into the life of faith, liturgy and charity of the people of God as well as into the apostolate.” The specificity of *CCEO* lies in the fact that the catechumens’ participation in the liturgy of the word which was an ancient practice now became a canonical right according to *CCEO* c. 587 §2 but is not recognized in *CIC*.³⁹

Both codes in §3 of the respective canon, c. 788 of *CIC* and c. 587 of *CCEO* give the legislative power to enact the complementary norms regarding the catechumenate and catechumens to some special organs of authority. Though the canon in both codes deals with the same subject matter, the legislative authority is different in *CIC* and *CCEO*. The former mentions the Bishops’ conference⁴⁰ and *CCEO* mentions the particular law of each Church *sui iuris*.

2. The Juridical Relationship of Catechumens with the Church

A search for the juridical relationship of catechumens with the early Church takes us back to the history of the catechumenate in the Fathers of the Church, the Councils and the Magisterial Teachings. First of all, we need to bear in mind that the question of juridical status and the juridical relationship of catechumens with the Church was not an important concern of the early Church, since the juridical system of the church was not well organised during the early centuries. Yet, there existed an established order of catechumens at least from the third century which was not recognized as a juridical order but was part of the living *praxis* of the Church. From the evidences of the early Church, the status of the catechumens could be well distinguished from the status of the faithful and the non-baptized. The catechumens were never considered as persons outside the Church, but they were the visible and active participants of the Church’s liturgical and disciplinary order. Later with the disintegration of the catechumenate after the sixth century the catechumens lost their status as active participants in the Church. Today, the general understanding of the

³⁹ Cf. G. Nedungatt, ed., *A Guide to the Eastern Code*, 420.

⁴⁰ Cf. J.L.M. De Agar, *Legislazione particolare delle conferenze episcopali complementare al CIC.*, Milano: Giuffrè, 1990; ID. - L. Navarro, ed., *Legislazione particolare delle conferenze episcopali complementare al CIC*, Roma: Coletti a San Pietro, 2009.

catechumen is that he/she is "a person, who, with the intention of becoming a Christian, undertakes a period of spiritual and catechetical formation in preparation for sacramental initiation into the Church."⁴¹ This is the case where a formal catechumenate system is established. Now, the normal question that can arise would be who can be considered a catechumen in places where the formal catechumenate is not established? For example, a known case for me is the context of Eastern Catholic Churches in India. Though there is no organized catechumenate, conversions and adult baptisms are there. In such places:

A catechumen can be considered to be any unbaptized person who has expressed to the parish priest or other responsible representative of the Church his/her intention to be baptized, and has been accepted by the pastor or other minister for preparation for the sacraments of initiation.⁴²

2.1. The Juridical Status of Catechumens (c. 9)

Though there are many exegetical studies and commentaries regarding the juridical status of catechumens in the Church based on the Latin Code (c. 206) it is hard to find a profound exegetical study on catechumens in the Eastern Code based on c. 9. It does not mean that the juridical status of catechumens in the Latin Church and in the Oriental Churches differs considerably according to their canonical legislation. In fact, there is no substantial difference between the canons in both codes *CIC* and *CCEO*, except some minor terminological differences and difference in the placement of some words. These differences will be treated later where a comparison with *CIC* c. 206 will be made.

The request for a precise understanding of the juridical status of those preparing to receive baptism was a felt need, especially in the mission territories where the ancient tradition of the catechumenate system was in practice. In the 1917 Code, the catechumens were taken into consideration only with reference to the sacramentals that they could receive: namely, blessings (c. 1151), exorcisms (c. 1152) and ecclesiastical burial (c. 1239). One of the conciliar sources for c. 9 §1, *LG* 14 states: "catechumens who, under the impulse of the Holy Spirit, expressly ask to be incorporated into the Church are by this very

⁴¹ J.M. Hules, *The Catechumenate and the Law: A Pastoral and Canonical Commentary for the Church in the United States*, Archdiocese of Chicago: Liturgy Training Publications, 1994, 5.

⁴² *Ibid.*

desire joined to it, and mother Church already embraces them with love and cares as her own.”⁴³ This is affirmed by another conciliar *fontes* AG 14 by stating: “[...] the juridical status of catechumens should be clearly expressed in the new code. Since they are already united with the Church, they already belong to the household of Christ, and often are already leading a life of faith, hope and charity.”⁴⁴ CCEO c. 9 clearly defines the juridical status of catechumens as:

§1: Catechumens are joined with the Church in a special manner in that, under the influence of the Holy Spirit, they express an explicit desire to be incorporated into the Church; they are, therefore, joined to the Church by that very desire and by the life of faith, hope and charity which they lead; the Church already cherishes them as her own.

§2. The Church has a special concern for catechumens, invites them to lead the evangelical life and introduces them into participation in the Divine Liturgy, the sacraments and the divine praises and already grants them various prerogatives which are proper to Christians.

In §1, c. 9 clearly indicates the channel of the desire to receive baptism as: “under the influence of the Holy Spirit, they express an explicit desire to be incorporated into the Church.” It does not mean that the persons who express their desire to join the Church with distorted reasons should be avoided. Rather, taking seriously their needs, they would be inserted into a period of pre-catechumenate. Though this period is not mentioned in CCEO, but only in CIC c. 788, it would not be wrong if the candidates with false motives are inserted into a period of preparation/formation before the catechumenate to rectify their motives and enter into the catechumenate proper with a right intention.⁴⁵ The desire or intention to become part of the Christian faithful refers to the same *votum* to which LG 14 refers: ‘by that very intention joined with her’ (*hoc ipso voto cum ea coniunguntur*). However,

⁴³ *Lumen Gentium*, n. 14: AAS 57 (1965) 18-19. “Catechumeni qui, Spiritu sancto movente, explicita voluntate ut ecclesiae incorporarentur expetunt, hoc ipso voto cum ea coniunguntur; quos iam ut suos dilectione curaque complectitur mater ecclesia.”

⁴⁴ *Ad Gentes*, n. 14: AAS 58 (1966) 962-963. “Status tandem iuridicus catechumenorum in novo codice clare ponatur. Iam enim cum ecclesia coniuncti sunt, iam de domo sunt Christi et non raro iam vitam agunt fidei, spei et caritatis.”

⁴⁵ Cf. G. Trevisan, “Lo stato giuridico del catecumeno,” *QDE* 10 (1997) 243-258.

it is not necessary that such a *votum* be received or accepted by someone, or that a formal act of reception of the candidate into the Catholic Church is needed. Canon 9 §1 treats of an incorporation "by that very desire (*ideoque hac ipsa voluntate*)" that is realized by a simple initiative of the subject.⁴⁶ Therefore, those who are in the pre-catechumenate have no particular juridical status in the Church.

The other three elements that unite the catechumens with the Church are faith, hope and charity. Speaking about the faith, it is an initial faith or the first response of the person to Jesus, the Saviour and the proclamation of the gospel on the part of the Church. This initial faith is the fruit of the grace of God. The next two theological virtues, hope and charity spring from the catechumens' initial faith and their involvement in the liturgical and pastoral life of the community of the Christian faithful. Both codes, *CIC* and *CCEO* recognize some determined "prerogatives and obligations" for the catechumens. These prerogatives and obligations indicate the proper juridical status of catechumens in the Church. In other words, they signify a complex system of rights and duties proper to a category of persons in the canonical system of the Church.

The term that the code uses to express the bond that unites the catechumens with the Church is "joined to the Church (*coniunguntur cum Ecclesia*)."⁴⁷ In the case of catechumens, their faith and desire to be incorporated into the Church are the elements that separate them from pagans and non-believers by giving them a particular title in union with the Church. Thus the expression "catechumens are joined with the Church in a special manner (*speciali ratione cum Ecclesia conectuntur catechumeni*)" in c. 9 §1, distinguishes them from other separated brethren who received baptism but are not in full communion with the Catholic Church in the sense of *CCEO* c. 8.⁴⁷ The special link between the catechumens and the Church gives rise to certain juridical effects, because between them and the community of the Christian faithful emerges a new relationship that the canon law must take into consideration. Canon 9 §2 affirms that the Church has a special concern for catechumens [...] and already grants them various prerogatives which are proper to Christians. These prerogatives proper to Christians are thus distinguished from the rights and

⁴⁶ Cf. A. D' Auria, "Verso uno statuto per il catecumenato: la produzione normativa delle Conferenze Episcopali," *Ius Missionale* 2 (2008) 89-90.

⁴⁷ *CCEO* c. 8: "In plena communione cum Ecclesia catholica his in terris sunt illi baptizati, qui in eius compage visibili cum Christo iunguntur vinculis professionis fidei, sacramentorum et ecclesiastici regiminis."

obligations that the Church acknowledges for every human being because of the divine and natural law. For example, the catechumens have the right to religious freedom (c. 586), the right to good reputation and privacy (c. 23), the possibility to ask for a privilege, dispensation and permission (c. 1510 §2, 3^o, 1527 §1), the right to bring an action or *iudicioagere* (c. 1134), etc.⁴⁸

2.2. Some Examples of Obligations and Prerogatives of Catechumens in CCEO

The obligations and prerogatives of catechumens expressly stated in CCEO include the catechumen's freedom of ascription to a Church *sui iuris* (c. 588) and their right to have an ecclesiastical burial (c. 875). Together with these explicit rights in the code, it is possible to discern some other prerogatives which are indirectly dealt with during the period of the catechumenate and are more connected with the liturgical prescriptions of Vatican II.⁴⁹ For example, the life of faith, hope and charity in c. 9 naturally requires from the catechumens an active involvement in the life of the Christian community. They have to participate in the liturgical and apostolic life of the community since they already belong to the Church in a special manner (c. 9).

2.2.1. Freedom of Ascription (c. 30; c. 588)

The catechumens have the right of ascription to any Church *sui iuris*, the Latin Church or any of the Eastern Churches *sui iuris* (c. 588). Canon 588 stipulates: "catechumens are free to be ascribed to any Church *sui iuris*, in accord with the norm of c. 30; however, care should be taken lest anything should be recommended that might prevent their ascription in the Church *sui iuris* more appropriate to their culture."⁵⁰

⁴⁸ Cf. G. Trevisan, *QDE* 10 (1997) 250-254; D. Salachas, *Il magistero e l'evangelizzazione dei popoli*, 142-145.

⁴⁹ *Ad Gentes*, n. 14: AAS 58 (1966) 962-963.

⁵⁰ It is interesting to note the *iter legis* of c. 588 here. Though c. 588 was composed of two paragraphs from the beginning to a certain stage of its formation, §1 is dropped on its way and the present c. 588 is formed with just one paragraph concerning the norm on catechumens' freedom of ascription to a Church *sui iuris*. Cf. *Nuntia* 11 (1980) 58, c. 7; *Nuntia* 12 (1981) 16, c. 7; Canon 7 §1 goes like this: "Admissio catechumenorum ad baptismum spectat ad parochum, vel ad presbyterum hac facultate pollentem nisi iure particulari Hierarchae loci reservata sit". At a later stage of the further development of the canon, a suggestion came up that every priest could be authorized to admit the catechumens to baptism. The proposal was not accepted on the

For this, CCEO c. 30 establishes the general rule that anyone who has completed 14 years of age is free to choose any Church *sui iuris* to which he or she is ascribed by virtue of baptism received in that same Church, with due regard for particular law established by the Apostolic See.⁵¹ The norm contained in c. 30 is valid independently of the fact that whether the parents of the baptized person are Catholics or non-Catholics or non-baptized persons. The clause 'with due regard for particular law established by the Apostolic See' does not affect the fundamental right of the freedom of the person, but serves to regulate the specific situations of persons or regions. This means that the particular law established by the Apostolic See could oblige the baptized person, in certain circumstances or in certain places, to ascribe into the Church *sui iuris* of the parents or the father, provided that they are Catholics. The same particular law could establish a higher age at which the free selection of the Church *sui iuris* is possible.⁵²

Commenting on this aspect, Jobe Abbass writes:

Since CCEO c. 588 is an Eastern canon, one has to presume that it is addressed only to the Eastern Catholics. However given the evident inter-ecclesial context and explanatory note, it is clear that the expression "Church *sui iuris*" also includes the Latin Church. Therefore, when dealing with catechumens, authorities of one Eastern Catholic Church must abide by CCEO c. 588 in not

ground that the necessary and formal ascription to a determined Church *sui iuris* at the time of baptism is to be done with the eventual possibility of "*reservatio Hierarchae loci*" (cf. *Nuntia* 17 (1983) 13, c. 7). The formulation of the canon about the parish priest's role in admitting catechumens to baptism also came up in the 1986 *schema* (cf. *Nuntia* 24-25 (1987) 111, c. 585 §1). In the subsequent stages, the commission members decided to drop the canon since they observed that: "non resta salva la giustizia se alla norma che attribuisce al parroco o a un suo sacerdote delegato, l'ammissione al battesimo - addirittura in termini di potestà, il che non sembra esatto - non si aggiunge contemporaneamente il riconoscimento del diritto di ricevere il battesimo da parte di chi ha le dovute disposizioni" (*Nuntia* 28 (1989) 76-77).

⁵¹ CCEO c. 30: Here it is also worth to refer CIC c. 111 and Pope Francis' *Motu Proprio De concordia inter codices*, Art. 1.

⁵² L. Lorusso, "Il catecumenato nel can. 587 del CCEO," *Ius Missionale* 8 (2014) 179. He has taken this interpretation from *Nuntia* 29 (1989) 45 & 47.

recommending anything that might prevent their ascription to another Eastern or to the Latin Church.⁵³

Referring to the formative *iter* of c. 30 from *Nuntia*, Abbass states the main reason that *Coetus de Ritibus* (the *coetus* entrusted with the task of revising the norms on ascription) proposed the draft of c. 588 in the context of the presence of Latin missionaries in the Eastern territories.

The second part of c. 588 reads: “care should be taken lest anything should be recommended that might prevent their ascription in the Church *sui iuris* more appropriate to their culture.” This request of the canon is aimed at the missionaries and other people who are involved in the work of evangelization. The missionary has no right to choose the Church *sui iuris* for the candidate and the canon prohibits any recommendations on anyone’s part to ascribe in the Church “more appropriate to their culture.”⁵⁴ Therefore the norm does not oblige an adult to be baptized to ascribe to a determined Church *sui iuris*, Oriental or Latin, but is free to choose a Church which is more appropriate to his/her culture. Since this canon is peculiar to *CCEO* and there is no parallel canon in *CIC*, the natural conclusion is that the canon is aimed at the catechumens in the Eastern Churches *sui iuris* (c. 1). But Salachas points out that though in the perspective of a major inculturation of the gospel message proclaimed to the non-Christians, *CCEO* understands a norm that is not established in *CIC*, *ex natura rei*, binds also the missionary activity of the Latin Church.⁵⁵ Prof. Natale Loda writes that, here the missionary has to refer to the *pastorality* that presupposes the *caritas*, *koinonia* and *salus animarum*. There can be a case where the catechumen who has to be ascribed to another Church *sui iuris* or the Latin Church has the possibility of working in a place or territory that in itself has all the characteristics of ascription to an

⁵³ J. Abbass, “The Significance for the Latin Church of Eastern Canons 29-38 on Ascription,” www.ccls-scdc.ca/News/NL001.../14.%20J.%20Abbass%20EN.doc (accessed on 01st December 2014).

⁵⁴ Though the canon guarantees full freedom to the catechumens to choose the Church *sui iuris* and prohibits interference in their right, authors like D. Salachas and G. Nedungatt in giving the interpretation of c. 588 remark that in the mission territories, the non-baptized persons who want to embrace the Catholic faith with the reception of baptism are normally ascribed to the Church *sui iuris* of the missionaries who undertake the responsibility of their faith education. It seems to be a controversy between the law and practice. Cf. D. Salachas, *Euntes Docete* 54 (2001) 39; G. Nedungatt, ed., *A Guide to the Eastern Code*, 421.

⁵⁵ Cf. D. Salachas, *Euntes Docete* 54 (2001) 39.

Oriental Church *sui iuris*. In this case the ecclesial element prevails over the personal element and the ecclesial membership of the missionary over the regulation to insert the new Christian faithful to a Church *sui iuris* which is more consonant with his rite and culture.⁵⁶ Salachas remarks: as for catechumens in mission lands, they must have recourse to the legislator himself, who with a rescript could extend explicitly the application of CCEO c. 588 also to the Latin Church.⁵⁷

2.2.2. The Right to Have Ecclesiastical Burial (c. 875)

The law includes the catechumens among the subjects who have the right to a Church funeral.⁵⁸ This in turn takes us to c. 9 where the norm

⁵⁶ Cf. N. Loda, *L'evangelizzazione delle genti nel Codex Canonum Ecclesiarum Orientalium* (cc. 584-594), Roma: UniversItalia, 2007, 300.

⁵⁷ Cf. D. Salachas, *Il magistero e l'evangelizzazione dei popoli*, 188. The source of c. 588 is CS 12: "Infidelis catholicam amplectens fidem libere potest ritum eligere." *Codex Iuris Canonici Orientalis*, Litterae apostolicae motu proprio datae *De ritibus orientalibus de personis*, Pontificii Consilii Codici Iuris Canonici Orientalis Redigendo, Typis Polyglottis Vaticanis, 1957, 7.

⁵⁸ While discussing the right of the catechumens to have an ecclesiastical funeral, it is right to ask the question whether cremation is possible as a funeral method for Catholics? In ancient times the Church was against cremation for Catholics due to various reasons (cremation was expensive and Christians were poor, belief in the resurrection of the human bodies). During the middle ages the Church started allowing cremation in specific circumstances (eg. War and Epidemics). In the 19th century, the Congregation for the doctrine of the faith taught that cremation was against the Church teaching, but at the same time allowed exceptions in individual cases and necessary situations. The 1917 code prohibited cremation. Both CIC'83 and CCEO prescribe the burial of the dead. However, CCEO c. 876 §3 permits cremation as exception: "Those who choose cremation for their bodies, unless such a choice was made for reasons contrary to the conduct of Christian life are to be granted an ecclesiastical funeral, provided that it does not obscure the preference of the Church for the burial of the bodies and that scandal is avoided." The Congregation for the Doctrine of Faith in its instruction "Ad resurgendum cum Christo" regarding the burial of the deceased and the conservation of the ashes in the case of cremation points out that cremation of the body can be chosen for legitimate motives and in such cases the ashes of the faithful must be laid to rest in a sacred place. The document states: "In the absence of motives contrary to Christian doctrine, the Church, after the celebration of the funeral rite, accompanies the choice of cremation, providing the relevant liturgical and pastoral directives, and taking particular care to avoid every form of scandal or the appearance of religious indifference" (Congregation for the Doctrine of Faith, Instruction *Ad resurgendum cum Christo* n. 4, Rome: 15 August 2016). Following the spirit of CCEO c. 876 §3 the

states that the Church already cherishes the catechumens as her own and has a special consideration for them. Canon 875 legislates: "Ecclesiastical funerals, with which the Church prays for spiritual assistance for the dead, honors their bodies, and at the same time brings the solace of hope to the living, must be given to all the deceased Christian faithful and catechumens, unless they have been deprived of it by law." This is one of the prerogatives that the code explicitly grants to the catechumens and gives them equal status with the Christian faithful. Nevertheless, to conduct an ecclesiastical funeral for a deceased catechumen is a must on the part of the Church and it is an obligation on the part of the catechumen and those responsible for the burial to avail of this opportunity.⁵⁹ An exceptional clause in the canon is "unless they have been deprived of it by law." It could be the case of a public scandal, "a scandal affecting a portion of the people of God who are directly affected by ecclesiastical burial or by its denial".⁶⁰ George Nedungatt comments: "Ecclesiastical funeral is not presented in the code as the last right of the Christian faithful but as an explicitly pastoral obligation and an implicitly family obligation (of the relatives of the deceased). As a rule, it is up to the deceased's own parish priest to celebrate the funeral."⁶¹ The code does not give other details regarding funerals. For an alternative proposal, therefore, we rely on the response of the *coetus de expensione observationum* to the observations of the members of the commission for the *schema codicis iuris canonici orientalis* regarding c. 870 that the silence of the code provides an opportunity for the particular law to enact norms in this regard.⁶²

Synod of Bishops of the Syro - Malabar Church decided to allow cremation to the faithful, if the reasons were not against the Christian faith. Cf. J. Chiramel, "Cremation of the Dead Bodies," *Eastern Legal Thought* 11 (2015) 271-274. In this article, the author concludes that the Church and canon law is not against the cremation of the body of the faithful, but does not give it preference.

⁵⁹ Cf. V.J. Pospishil, *Eastern Catholic Church Law*, Rev. and Aug. Ed., New York: Saint Maron Publications, 1996, 634-635.

⁶⁰ Cf. J. Chiramel, "Cremation of the Dead Bodies," *Eastern Legal Thought* 11 (2015) 274.

⁶¹ G. Nedungatt, ed., *A Guide to the Eastern Code*, 589-590.

⁶² "Con il silenzio del Codice, vi si può provvedere nel diritto particolare delle Chiese "sui iuris" o anche eparchiale mentre non è opportuno imporre norme così dettagliate a tutte le Chiese Orientali" (*Nuntia* 28 (1989) 120). Ivan Žužek notes the same reason: "[...] non fu accettata la proposta di inserire nel CCEO il can. 1177 del CIC della Chiesa Latina, che era uno di canoni omessi (infatti figura nei "Testi Iniziali" pubblicati in *Nuntia* 7, pp. 88-89, c. 58), con la

2.3. Brief Comparison with CIC

Even though *CIC* does not give a definition of the catechumenate, in c. 206, the catechumens and their juridical relationship with the Church is clearly defined. *CIC* c. 206 §1 is no different from *CCEO* c. 9 §1 and the corresponding sources of both canons are also the same - *LG* 14. Regarding §2 of the above-mentioned canons in both codes, the sources are exactly the same as in the case of §1. They are the conciliar Decrees *SC* 64 and *AG* 14. The only minor difference could be the clearer expression in *CCEO* c. 9 §2 that "the Church introduces the catechumens into participation in the Divine Liturgy, the sacraments and the divine praises" while *CIC* uses the general term "the Church introduces them to the celebration of the sacred rites." Here *CCEO* c. 9 §2 serves as a complementary and interpretative aid to *CIC* c. 206 §2 in the sense that divine liturgy, sacraments and divine praises in *CCEO* give clarity to the *CIC* expression sacred rites.⁶³ The Church's special care for the catechumens in *CCEO* c. 9 and *CIC* c. 206 implies the rights and duties that they exercise according to their juridical status in the Church. Though the Church grants the catechumens various prerogatives proper to Christian faithful, they are not included among the proper subjects of rights and obligations in the canonical order of the Church, at least "*de iure condition.*"⁶⁴ It is to be noted here that for catechumens, the codes do not use the word "rights" but "prerogatives," that is in *CIC* c. 206 §2 and *CCEO* c. 9 §2 - what should be their prerogatives in *CIC* c. 788 §3 and *CCEO* c. 587 §3 - what prerogatives are recognized as theirs.⁶⁵ According to some authors, the catechumens enjoy the right to have associations, only private associations and not the public associations reserved to the faithful who act in the name of the Church according to *CIC* c. 116 §1.⁶⁶ The catechumens are excluded from all the goods that are reserved to the Christian faithful especially in relation to the sacraments.⁶⁷ Regarding the obligations and prerogatives of catechumens recognized in the

seguinte motivazione: "con il silenzio del Codice vi si può provvedere nel diritto particolare delle Chiese "sui iuris"[...]." The remaining part is the same as in the above quote. Thus is omitted here. Cf. I. Žužek, *Understanding the Eastern Code*, 361.

⁶³ Cf. G. Nedungatt, *A Guide to the Eastern Code*, 891-892.

⁶⁴ Cf. *Communicationes* (1985) 167.

⁶⁵ Cf. A. D'Auria, *Ius Missionale* 2 (2008) 99.

⁶⁶ For a detailed canonical discussion regarding this aspect see M. Madonna, "Lo statuto giuridico del catecumeno tra diritto universale e legislazione particolare," *Ius Ecclesiae* 17 (2005) 449.

⁶⁷ *Ibid.*

code, *CIC* and *CCEO* have their special characteristics. While *CCEO* c. 588 realizes a norm for the freedom of ascription of catechumens to any Church *sui iuris*, *CIC* lacks such a norm.⁶⁸ But c. 588 of *CCEO* refers to c. 30 where the freedom of ascription of anyone who has completed the fourteenth year of age is treated. *CCEO* c. 30 has a parallel canon in *CIC* c. 111 §2 dealing with the same subject matter and the canons are substantially identical. In this case, Jobe Abbass gives a possible interpretation in connection with the Latin Code.

However, does *CCEO* canon 588 qualify *CIC* canon 111 §2 just as it does *CCEO* canon 30? Eastern canon 588 makes no reference to *CIC* canon 111 §2 nor does it seem to be addressed to Latin authorities. Yet, the *Coetus de Ritibus* proposed the draft of *CCEO* canon 588 mainly because of Latin missionaries in Eastern territories. Then, during the *denua recognitio* of the same draft, a consultative body proposed that the *caveatur* clause be replaced with the following, more positive formulation: "However, it is recommended that a catechumen be ascribed to the rite that is more appropriate to his or her culture." The expert study group replied: "This is not accepted and we remain in line with what is referred to in the *Praenotanda* to the schema, p. 5: namely, it regards an "admonition made to missionaries of any rite to safeguard fundamental human rights" (*Nuntia* 17 (1983) c. 7 §2). That would seem to imply that missionaries of any rite, including the Latin rite, are bound by *CCEO* canon 588. However, the unique Eastern canon 588 is not addressed to the Latin Church nor does it oblige it expressly. Without the intervention of the legislator to apply *CCEO* canon 588 directly also to the Latin Church, the Eastern norm could still be

⁶⁸ Here it is good to note an official explanatory note on the interpretation of *CCEO* c. 1 given by the Pontifical Council for Legislative Texts on Dec. 8, 2011: "si deve ritenere che la Chiesa Latina è implicitamente inclusa per analogia ogni volta che il *CCEO* adopera espressamente il termine «Chiesa *sui iuris*» nel contesto dei rapporti interecclesiali. Si dice «per analogia» tenendo conto che le caratteristiche della Chiesa Latina, pur non coincidendo totalmente con quelle della Chiesa *sui iuris* delineate nei cann. 27 e 28 §1 del *CCEO* risultano tuttavia, a questo riguardo, sostanzialmente somiglianti" (*Communicationes* 43 (2011) 315-316). Connected to this statement *CIC* c. 19 provides: "If on a particular matter there is not an express provision of either universal or particular law, nor a custom, then, provided it is not a penal matter, the question is to be decided by taking into account laws enacted in similar matters, the general principles of law observed with canonical equity, the jurisprudence and practice of the Roman Curia, and the common and constant opinion of learned authors."

invoked in individual cases, by way of *CIC* canon 19, to fill the Latin Code's legislative gap in the same context of choosing one's Church of ascription.⁶⁹

Another right that *CIC* recognizes for catechumens and is lacking in *CCEO* is related to the ecclesiastical blessings in c. 1170 of *CIC*.⁷⁰ The persons upon whom the blessings can be imparted in c. 1170 are Catholics (*CIC* c. 213), catechumens (*CIC* c. 206 §1) and non-Catholics. From the canon, it is clear that the catechumens have no right to receive the ecclesiastical blessings as in the case of Catholics, but the Church grants the possibility to receive them. So the catechumens are also subjects who come under the domain of canon law. Regarding the imparting of blessings on catechumens, *OICA* n. 102 insists that:

The blessings are a sign of God's love and of the Church's tender care. They are bestowed on the catechumens so that even though as yet they do not have the grace of the sacraments, they may still receive from the Church courage, joy, and peace to continue the difficult journey they have begun.⁷¹

The liturgical law in *OICA* grants blessings and other sacramentals like exorcism even to inquirers who are not yet catechumens, but are in the period of pre-catechumenate.⁷² The ordinary ministers of blessings and minor exorcisms are priests, deacons or qualified catechists appointed by the bishop for this ministry.⁷³ The ministers of exorcisms that are not minor are only priests or deacons.⁷⁴ Catechumens are able to receive the sacramental of anointing with the oil of catechumens from a priest or a deacon. This can be done whenever it seems desirable during the period of the catechumenate except during the Easter Vigil

⁶⁹ J. Abbass, "The Significance for the Latin Church of Eastern Canons 29-38 on Ascription", p. 160, available at www.ccls-scdc.ca/News/NL001.../14.%20J.%20Abbass%20EN.doc (accessed on 01 December 2014).

⁷⁰*CIC* c. 1170: "While blessings are to be imparted primarily to Catholics, they may be given also to catechumens and, unless there is a prohibition by the Church, even to non Catholics."

⁷¹ *OICA*, 102: "Benedictiones etiam, quibus Dei caritas et Ecclesiae sollicitudo significantur, catechumenis offerantur, ut, dum ipsi gratia sacramentorum adhuc carent, animum tamen gaudiumque et pacem in labore et itinere persequendo ab Ecclesia accipiant." English translation is from *DOL*, 750.

⁷² Cf. *OICA*, nn. 111, 120.

⁷³ Cf. *OICA*, nn. 109, 119.

⁷⁴ Cf. *OICA*, n. 127.

or immediately before baptism.⁷⁵ The oil must be blessed by the bishop or for some pastoral reasons by the priest and not by a deacon.⁷⁶ The pastoral reasons could be the unavailability of the oil blessed by the bishop or the intention to manifest fully the symbolic meaning of anointing.⁷⁷ The Book of Blessings in the Latin Church in n. 31⁷⁸ prescribes the similar provision that the minister of a blessing is advised to bear in mind the prescription of c. 1170 regarding the subjects for whose benefit the sacramental is imparted.⁷⁹

Though CCEO does not realize such an explicit norm for granting ecclesiastical blessings to catechumens, the law concerning sacramentals in c. 867 §2 prescribes that “regarding sacramentals, the norms of the particular law of the respective Church *sui iuris* are to be observed.” Added to this norm, c. 587 §3 must also be taken into consideration in the case of catechumens since the common code remits the particular law of each Church *sui iuris* to determine various prerogatives of catechumens. Therefore, the realization of a norm for ecclesiastical blessings to catechumens in the Eastern Churches comes under the provision of the particular law of each Church *sui iuris* together with many other norms regarding catechumens and the catechumenate. The rite of celebration and administration of sacramentals is to be prescribed in the liturgical books of the Church.

In the case of funerals, the juridical status of catechumens in the Church is equal to that of the Christian faithful in both CCEO c. 875 and CIC c. 1183 §1. CCEO c. 875 is more descriptive than CIC c. 1183 §1. The latter states: “As far as funerals are concerned, catechumens are to be reckoned among Christ’s faithful.”⁸⁰ Compared to CIC, if we

⁷⁵ Cf. OICA, n. 206.

⁷⁶ Cf. OICA, nn. 129, 207.

⁷⁷ Cf. OICA, n. 207: Cf. *Ordo benedicendi oleum catechumenorum et infirmorum et conficiendi Chrisma*, Praenotanda, n. 7, Typis Polyglottis Vaticanis, 1971, 8.

⁷⁸ Conferenza Episcopale Italiana, *Benedizionale*, n. 31, Roma: 3 Luglio 1992. “Il ministro si ricordi che le celebrazioni riguardano in primo luogo i fedeli battezzati; si possono però celebrare anche per i catecumeni e tenute presenti le norme del can. 1170, anche per i non-cattolici, a meno che non vi si opponga una proibizione della Chiesa”.

⁷⁹ M. Del Mar Martin, “Sacramentals,” in A. Marzoa - J. Miras - R. Rodríguez - Ocana, ed., *Exegetical Commentary on the Code of Canon Law*, vol. 3/2, 1653.

⁸⁰ CIC c. 1183 §1: “Ad exequias quod attinet, christifidelibus catechumeni accensendi sunt.”

divide CCEO c. 875 into three parts:(1) Ecclesiastical funerals, with which the Church prays for spiritual assistance for the dead, honor their bodies and at the same time bring the solace of hope to the living; 2) must be given to all the deceased faithful and catechumens; and 3) unless they have been deprived of it by law) just the middle part constitutes the meaning of the *CIC* canon. The first part explaining the meaning of a Church funeral and the last part with a conditional clause of deprivation of the right are specific expressions in *CCEO* lacking in *CIC*. In practice, catechumens are considered to be the integral part of the Church at least from the point of view of the spiritual benefits that they enjoy. Now, based on *CIC* canons on ecclesiastical funerals and blessings with regard to catechumens, a possible question arises: Why are catechumens given equal status with the faithful in the case of funerals and not in the case of other sacramentals, eg; blessings? In the *Exegetical Commentary on the Code of Canon Law*, José Luis Santos explains this issue in the following way:

Even though the person may not be in the specific institution called the "catechumenate" discussed in cc.851 and 856, it may be noted that this broader catechumen status is considered to be sufficient for spiritual assistance, since upon defining it, the legislator does not speak of the institution, but of the individual's genuine desire and personal will to join the Church. On a separate occasion, it also notes that it is appropriate to administer baptism to the catechumen who is in danger of death, even if the catechumenate has not been completed. Therefore, for identical reasons, the funeral rites would also be appropriate in cases of death.⁸¹

An expansion of the juridical interpretation of *CIC* c. 1183 §1 finds that the canon intends not only to define the right to have a Christian burial, but also to make possible the choice of Church for the celebration of the funeral mass (*CIC* c. 1177 §2) and the place of burial (*CIC* c. 1180 §2). These extended rights leave the eventual possibility of an ecclesiastical funeral for his/her non-baptized children as well.⁸² John M. Hules observes that it is at the discretion of the minister to omit any language referring to baptism and the other sacraments or to omit the Holy Mass in the celebration of the funeral rites of catechumens. Normally, the parish of the funeral rite is the parish of

⁸¹ J.L. Santos, "Title III - Church Funerals", in A. Marzoa - J. Miras - R. Rodríguez - Ocana, ed., *Exegetical Commentary on the Code of Canon Law*, vol. 3/2, 1697.

⁸² Cf. G. Trevisan, *QDE* 10 (1997) 252.

the deceased catechumen's domicile or quasi-domicile (*CIC* c. 1177 §1, 102). It can be also another parish if the catechumen or other responsible person for the funeral arrangement rightly chooses it with the consent of the concerned rector or parish priest and it is duly notified to the proper parish priest (*CIC* c. 1177 §2).⁸³

Conclusion

The comparative study of *CCEO* c. 587 and *CIC* c. 788 undertaken in this study aimed at exploring the unique features and significant differences in both codes on the same subject matter. No doubt, there is no substantial difference between the canons in both codes. But one thing is clear that today the catechumenate system is more established and organized in the Latin Church than in the Eastern Churches *sui iuris* in law and in practice, though both codes prescribe it with the same vigour. This is evident from the *RCIA* norms for the Latin Church and its adaptations by various Bishops' Conferences in their regions.⁸⁴ But this truth never undermines the fact that, though the catechumenate as an institution is not present in the Eastern Churches, the evangelization activity of the Eastern Churches always gives considerable importance to the faith formation of new converts before the reception of baptism. Therefore, the elements of the catechumenate are present there in some manner. By fulfilling the mandate given by *CCEO* c. 587 §3 to the particular law of each Church *sui iuris*, the Eastern Churches can fill the *lacunae legis* with regard to the catechumenate and catechumens in their respective Churches.

⁸³ Cf. J.M. Hules, *The Catechumenate and the Law*, 8.

⁸⁴ Cf. J.T. Martin De Agar, *Legislazione delle conferenze episcopali complementare al C.I.C.*, Milano: Giuffrè, 1990.