

Editorial

Sacraments

Vatican second clearly stated in *Gaudium et spes* no. 52 that family is the foundation of the society. It is the Sacrament of Marriage that enables a practising Catholic to establish his or her family life. For a Catholic, biological life begins as a result of the conjugal union of a man and woman facilitated, legitimised and sanctified by the Sacrament of marriage (cf. CCEO c. 776; CIC cc. 1055, 1056, 1134). One gets incorporated into the life of Christ and becomes a members of the mystical body of Christ, the Church through the Sacrament of Baptism in the Latin Church and as far as the members of the Eastern Churches are concerned through the Sacraments of Initiation, that is, Baptism, Chrismation and Eucharist.

Even though initiated into a new life, members of the Church, because of their fallible human nature, are susceptible to sin. The Church, through the sacrament of penance, comes to the rescue of those faithful who fail to withstand the temptations and commits sin. This sacrament reconciles us sinners with God, Church and fellow human beings from whom we distanced ourselves through the very acts of sin. "In the sacrament of penance the Christian faithful who, having committed sins after baptism, led by the Holy Spirit, turn to God in their hearts and moved by sorrow for their sins, resolve to lead a new life. Through the ministry of the priest ... they obtain forgiveness from God and at the same time are reconciled with the Church, which they have wounded through sin. Thus, this sacrament contributes greatly to the fostering of Christian life and disposes the Christian faithful for the reception of the Divine Eucharist" (CCEO c. 718; CIC c. 659).

The body and blood of Jesus Christ, which nurture the spiritual life of the faithful that is begun with Baptism, are made available to them in the Divine Eucharist through the ministry of anointed priests. "What the Lord Jesus Himself did at the Last Supper is perpetuated in the Divine Liturgy by the power of the Holy Spirit through the

ministry of the priest who acts in the person of Christ at the oblation of the Church. The Lord Jesus gave to his disciples his Body, which was to be offered for us on the cross, and his blood, which was to be poured out for us, thus instituting the true and mystical sacrifice. ..." (CCEO c. 698; CIC c. 897).

In order to strengthen the sick and the dying with the hope of eternal reward and to free from sins, Church offers the sacrament of anointing the sick: "By the sacramental anointing of the sick performed with prayer by a priest, the Christian faithful who are gravely ill and sincerely contrite receive grace, by which strengthened by the hope of eternal reward and freed from sins, they are disposed to amend their life and are helped to overcome their sickness or to suffer it patiently" (CCEO c. 737; CIC 998).

For the administration of sacraments and the dispensation of sacramental grace, Church constitutes priests through the sacrament of sacred ordination (CCEO c. 743; CIC c. 1008). By partaking in and continuing the ministerial priesthood of Jesus, priests sanctify the people of God.

Thus, in every important stage of the life of the faithful, they are empowered, strengthened and sanctified by the power of the Holy Spirit through the sacraments.

Taking into consideration the doctrine of the Church, teachings of the magisterium on sacraments and their significance for the life and sanctification of the people of God, the legislator has stipulated specific norms and regulations for the faithful administration and reception of them. As they belong to the "Divine deposit" and as such they are valued, accepted and esteemed by the whole Church, the sacraments function as one of the common characteristic features and unifying elements of the Catholic Church, a communion of twenty three different individual Churches *sui iuris*.

The current legislation, as reflected in the following canon, shows the juridical as well as theological importance of the sacraments in the life of the Church: "Since the sacraments are the same for the entire Church and belong to the divine deposit, it is for the supreme authority of the Church alone to approve or define those things required for their validity" (CCEO c. 669; CIC c. 841). Hence, the faithful as well as the sacred ministers are to take utmost care lest the celebration and the reception of the sacraments become invalid and illicit. The codes (CCEO c. 667; CIC c. 840) state that the sacraments

help the faithful to “become in a unique way true worshipers of God the Father and be inserted into Christ and the Church, His Body; therefore, all the Christian faithful, but especially the sacred ministers, are to observe diligently the prescripts of the Church in the conscientious celebration and reception of the sacraments.”

The faithful receive this divine gift of the sacramental grace through the medium of Church, the Sacrament of Christ, which consists, at the same time, of “a divine and a human element” (LG 8). Hence, for the administration of the sacraments there should be some order in the Church. In addition to this human aspect, there exists also certain diversity, the essentials remaining the same, in the manner of their administration due, first of all, to the general difference in the approach that exists between the Latin Church and the Oriental Churches and in particular due to the traditional, customary and practical differences that prevail among the various oriental Churches *sui iuris*, themselves.

The current issue of *Iustitia* furnishes five articles, three of which treat the sacraments from a juridical perspective. While Maria Terese Fattori discusses the Sacramental Polity of Benedict XIV in general, Jesu Pudumai Doss and Pablo Gafael deal with the Sacraments of Marriage and Baptism, respectively.

In addition to the general norms prescribed in the Common Law that is applicable to all the Eastern Churches, CCEO also provides the individual Churches *sui iuris* with the faculty to make particular laws. This provision enables them to enact, being subject to the common code, certain norms for the administration of the sacraments, in some cases, taking into consideration their particular tradition, custom and practice. In this context, Varghese Koluthara makes a general review of the newly promulgated Particular Law of the Syro-Malabar Church. George Nedungatt examines the the ‘Law of Talion’ in its linguistic, historical, sociological and biblical dimensions.

Jesu Pudumai Doss, in his article “Some Marriage Procedures: Legislation and Praxis,” discusses some marriage dissolution procedures, with a special “focus on the history, legislation, along with the procedure and praxis of the Pauline Privilege, Dissolution *in favorem fidei* and the Dispensation of the non-consummated marriages” (p. 184). He begins his argument by clarifying the situations where Pauline privilege is applicable: “*Pauline Privilege is applied only for marriages between two non-baptised persons* (CIC c. 1143

§1; CCEO c. 854 §1). Therefore, it *cannot be applied* to marriages celebrated with dispensation of *Disparity of Cult* (*one party is a non-baptised person*: CIC cc. 1086 §1, 1129; CCEO c. 803 §1) or to *mixed marriages* (*one party is a non-catholic baptised person*: CIC c. 1124; CCEO 813)" (p. 185). Through an analysis from biblical, historical and juridical perspectives he offers a clear and rather comprehensive view on the Pauline privilege and spells out its effects based on the canons, thus: "The *previous natural Marriage* becomes dissoluble and the dissolution takes place *only with a new canonically valid marriage* (CIC c. 1143 §1; CCEO c. 854 §1) and the *baptised party* acquires a *right to contract a new marriage* with a Catholic party (CIC c. 1146; CCEO c. 857)" (p. 191). Regarding the difference between Pauline privilege and the Dissolution *in favorem fidei* he writes: "Pauline Privilege is applied to non-sacramental marriage between *two non-baptised persons* (CIC c. 1143 §1; CCEO c. 854 §1) and is *dissolved by law* itself. The Dissolution *in favorem fidei* is applied to non-sacramental marriage, where *at least one of whom is not baptised* (CIC c. 1086 §1; CCEO c. 803 §1) and is *dissolved only by the Roman Pontiff* in favour of the faith (with the assistance of the Congregation for the Doctrine of Faith)" (p. 195).

Pablo Gafaell's article, "Baptism in the *Codex Canonum Ecclesiarum Orientalium*," exposing the basic elements required for valid administration of the sacrament, considers the nature and the theological effects of the same. The rite of baptism is discussed comparing the norms of both CCEO and CIC without neglecting the relationship with Orthodox Churches and other ecclesial communities. The treatment on the subject and minister of baptism covers, besides the exposition and explanation of the Eastern and Western norms, various concrete situations and the consequent ascription of the subject to a particular Church *sui iuris*. The norms regarding the role, qualities and tasks of the godparents in CCEO and CIC are also explained in detail. He concludes the article stating that "the ever closer fidelity to canonical norms surrounding the sacrament of Baptism will serve the full response to the task entrusted to us by Christ of bringing the light of faith to all people: "Go into all the world and proclaim the Gospel to the whole of creation. Whoever believes and is baptized will be saved" (*Mk 16:16-20*)" (p. 244).

Varghese Koluthara, in "Particular Laws of the Syro-Malabar Church," presents a picture of the Code of Particular Law of the Syro-Malabar Church, in a single volume, newly promulgated on 3

December 2013. He indicates the provisions for particular law in CCEO tracing back to the genesis of particular laws. He sketches the structure of this Code of Particular Laws, highlighting codification process, explaining its preamble depicting the chequered history of the Church, its juridical sources. Finally, he reviews the promulgated particular laws, statutes of various organs of administration and guidelines for the diverse institutes of the Syro-Malabar Church. The author makes his observations indicating the possibilities for further improvement. Regarding the lack of published reports of the codification process of the Particula Law, he comments: "In the codification of the PLSMC the minutes of the work done by the various commissions have not been published (if they were written down at all!) in a manner analogous to the periodical *Nuntia* of the PCCICOR. This omission will be regretted by those who know how useful, even necessary, it is to consult *Nuntia* for the proper understanding of CCEO. Moreover, in the PLSMC no reference to *fonti* is cited especially on the texts of Particular Laws, Statutes and Guidelines" (p. 277).

George Nedungatt, in his article "The Law of Talion an Ancient Law of Jurisprudence," tries to clarify the "misunderstanding about the law of talion." He offers, along with the etymological meaning of the law of *talion*, its "extra-biblical prehistory" and presents it in its Old and New Testament perspectives without neglecting the historical and sociological dimensions and affirms that "the law of talion was common to several civilizations of the East and of the West. The Old Testament borrowed it from the Babylonians. It is cited in the New Testament, but there is much confusion among scholars about its interpretation" (p. 279). He warns, finally, that the "readers of the Bible in certain modern English translations," especially because the use of "inclusive language can betray the truth about the law of talion" (p. 298). The English language "is regrettably and surprisingly poor as regards inclusive language," because certain English versions of the Bible "... are not faithful to the historico-juridical truth about the legal man as were the earlier versions" (p. 298).

Maria Teresa Fattori, in her article "Benedict XIV and His Sacramental Polity on the Eastern Churches (1740-1758) - Part II" explores, in the first part of this article (see *Iustitia*, vol. 4, no. 1, pp. 101-120), the method employed in the letter *De Sacramentis*, and exposed Benedict XIV's systematic presentation of the sacraments for

the Eastern Catholics. In this second part, she discusses the authority of the minister and the multiplication of grace through the sacraments of penance, anointing of the sick, holy orders and matrimony. With regard to Lambertini's position on valuable ancient customs and practices she writes: "Lambertini embraced the considerations of Cardinal Giovanni Bona "when he writes that 'one should not criticize an ancient rite that was not according to our own on account of the difficulties that Scholastic theologians raised against it: ... [=Here I do not contend but continue to assert that such was the custom of the Church for many centuries and it still exists in the Eastern Church. To avoid such a position on account of the difficulties of the Scholastics would be an unwise decision]" (p. 300).

This number of *Iustitia* offers interesting arguments and insights into understanding various aspects of the sacraments, helping the readers to to deepen their understanding of the sacraments from a historical and juridical background in general and that of marriage and baptism, in particular. It also facilitates us to familiarize himself with the Law of Talion and the newly promulgated "Particular Laws" of the Syro-Malabar Church which.

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