

## CRAFTING A PARADIGM FOR THE CATHOLIC COMMUNION OF CHURCHES

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### Abstract

The drafting of the post-conciliar common code for the Eastern Catholic Churches highlighted the need for a clear understanding of the ecclesial and hierarchical infrastructure of the Catholic Church in order to ascertain the place of the Eastern Catholic Churches in it. A lack of appreciation of ecclesial nature of these Churches reduced them in practice to administrative anomalies in the Catholic Church that had their own rites. The Second Vatican Council provided insights into the Catholic Church as a communion of Churches, each with the power to govern itself.

**Key Words:** Church *sui iuris*; rite, tradition, communion of Churches; patriarch, major archbishop, metropolitan; ecclesial model

### Introduction

In the late 1970s, I approached Father George Nedungatt SJ, a professor of canon law at the Pontificio Istituto Orientale (PIO), and asked if would direct me in writing a doctoral dissertation. (I was unaware that this was the first time that he would be directing a doctoral dissertation.) I knew that he was a demanding professor, but I was always impressed by his creative approach to any question. This conversation initiated a fruitful professional and warm personal relationship that has extended for some 45 years.

In a spirit of full disclosure, I must confess that my dissertation, *The Communion of Catholic Churches: Terminology and Ecclesiology*<sup>1</sup> is not a work in which I take great pride. It met the requirements for the award of a *Iuris Canonici Orientalis Doctor* degree in 1982 but

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<sup>1</sup> Brooklyn, NY: Saint Maron Publications, 1985.

nevertheless suffers from limitations despite all helpful and patient guidance from Father Nedungatt. The topic itself was the choice of Father Nedungatt and a good one, but my academic limitations did allow me to do it justice. There was also the unique challenge of navigating between Scylla and Charybdis, i.e., Fr. Nedungatt and Fr. Ivan Žužek, SJ. To put it mildly, they did not agree on the premises and conclusions of the dissertation. This meant that the conclusions that I was able to formulate had to be ambiguous enough to accommodate conflicting opinions in the PIO faculty.

The overarching problem I faced when dealing with this topic was my own pre-conceived dichotomy regarding the authority or the agency operative in the institution of an *Ecclesia sui iuris*. The presumption – that I never seemed to see beyond – was that the *Ecclesia sui iuris* had to be the product *either* of divine law *or* of human (canon) law. This is a false dilemma and could not lead to any satisfactory results or conclusions. Further study and reflection revealed that the *Ecclesia sui iuris* is the fruit of various agencies, as I hope to demonstrate in this brief study.

This collection of essays *ad memoriam* offers me the rare possibility of a “do over,” the opportunity to do something after a previously unsatisfactory attempt. This “do over” will also profit from the development in the law itself. The doctoral dissertation was a work of the early 1980s, which meant that not even the *Schema canonum de constitutione hierarchica Ecclesiarum Orientalium*<sup>2</sup> had yet appeared. The reflections that follow are those of a more seasoned canonist (who is still learning) with access to a promulgated common law for the Eastern Catholic Churches.

This modest contribution to this work in honor of Father Nedungatt only partially fulfills my indebtedness towards this exemplary priest, wise scholar and devoted friend.

### **1. Achieving an Ecclesial Identity**

The challenge that Eastern Catholics face today is the attainment of a recognition of their status members of Eastern Catholic *Churches*. From the eleventh century Great Schism until the Second Vatican Council, the ecclesial status of the Eastern Catholic Churches was either denied or ignored. The lack of appreciation of Eastern Catholic Churches is not without reason: The Great Schism resulted in the *de*

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<sup>2</sup> *Nuntia* 19 (1984) 1-94.

*facto* disappearance of Eastern Catholics,<sup>3</sup> a situation that perdured through the Council of Trent (1545-1563). In the mind of the Catholic Church, Orthodox were schismatics, outlaws not belonging to a Church, and subject to an illegitimate hierarchy. The notion of a "sister Church" was to arise in the distant future.

The Council of Trent did not treat the subject of Eastern Catholicism and "ecumenism" was confined to mean an open invitation for Eastern schismatics to abjure their ways and return to the Church of Rome.<sup>4</sup>

Because the Catholic Church taught that there was no salvation outside the Catholic Church,<sup>5</sup> missionaries in the post-Tridentine Church were motivated to bring back the Orthodox lost sheep to the true fold of the Catholic Church. The Catholic Reformation focused on a unity of faith, theology, and discipline with little concern for diversity.<sup>6</sup>

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<sup>3</sup> There were a few exceptions: the Italo-Greeks, the Maronites and possibly some Chaldeans. The unions achieved at the Council of Basel-Ferrara-Florence-Rome (1431-1445) were short-lived but did serve as a model for future unions from the 16<sup>th</sup> century (Union of the Chaldeans [1553]) through the 20<sup>th</sup> century (Union of the Syro-Malankarans [1932]).

<sup>4</sup> This approach found clear expression in the 6 January 1848 letter of Pius IX, *In suprema Petri apostoli sede*. (A French translation of the letter was published in *Irenikon* 6 [1929] 666-678.). Admittedly, the letter manifest the most concern of the Catholic Church had shown for Eastern Christians since the fifteenth-century Council of Florence. The lack of Catholic deference of the Orthodox hierarchies is revealed by the fact that the Catholic Church printed thousands of copies of the letter and distributed them directly to the Orthodox faithful. See Aidan Nichols, *Rome and the Eastern Churches* (San Francisco, CA: Ignatius Press, 2010) 352.

<sup>5</sup> For example, "It firmly believes, professes and preaches that all those who are outside the catholic church, not only pagans but also Jews or heretics and schismatics, cannot share in eternal life and will go into the everlasting fire...unless they are joined to the catholic church before the end of their lives." Council of Basel-Ferrara-Florence-Rome, bull of union with the Copts (4 February 1442). Translation from Norman Tanner, SJ, English editor, *Decrees of the Ecumenical Councils* (London and Washington: Sheed & Ward and Georgetown University Press, 1990) 1:578.

<sup>6</sup> Emmanuel Lanne, "La conception post-tridentine de la Primauté e l'origine des Églises unies," *Irenikon* 52 (1979) 5-33, especially 15. See also Sunny Kokkaravalayil, S.J., *The Guidelines for the Revision of the Eastern Code:*

Many reasons for the lack of ecclesial recognition surround the use of the term *ritus* in Catholic parlance. We shall see that there has been a long history of ambiguity and denigration of the Eastern rites.

## 2. Notion of Ritus

### 2.1 Equivocal Use of the Term “Ritus”

The term *ritus* has been used to designate a variety of things. Before the Council of Basel-Ferrara-Florence-Rome, papal and conciliar documents used the term with thirty-five different meanings.<sup>7</sup>

In the sixteenth century, those Eastern communities in full communion with the Catholic Church were not regarded as *churches*, but rather *rites*,<sup>8</sup> communities in the Catholic Church with a different liturgical practice and discipline. (The Latin Church retained its status as a church, perhaps even “the” church.) Pope Clement VIII, in the *Instructio super ritibus Italo-Graecorum* (30 August 1595), used the term *ritus* to mean

. . . the whole constitution of a particular Christian community, its discipline and practice. The administration of the sacraments, rubrics to be allowed in the sacrifice of the Mass, marriage impediments, days of fast and abstinence and feasts all fall under the heading of rite.<sup>9</sup>

The use of the phrases “particular Christian community” (not Church) and “rubrics to be allowed” (an act of benevolence on the part of Rome) speak volumes.

French Jesuit Paul Gabriel Antoine, whose eighteenth-century writings have been identified by some authors as the “crux of the perplexities, contradictions and almost unimaginable confusion that continues to exist even to this day in the canonical notion or rite,”<sup>10</sup> attributes three different means to the term “rite.” The first and most

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*Their Impact on CCEO*. Kanonika 15 (Rome: Pontificio Istituto Orientale, 2009) 303-304.

<sup>7</sup> William W. Bassett, *The Determination of Rite*. Analecta Gregoriana 157 (Gregorian University Press, 1967), 12; see also Ivan Žužek, “Che cosa è una Chiesa, un Rito Orientale?” *Seminarium* (April-June 1975) 263; George Nedungatt, *The Spirit of the Eastern Code* (Rome: Centre for Indian and Inter-religious Studies, 1993), 63, 76 fn. 13.

<sup>8</sup> Lanne, *op. cit.*, 17

<sup>9</sup> Translation from Sunny Kokkaravalayil, *op. cit.*, 306.

<sup>10</sup> Bassett, *op. cit.*, 15.

basic usage identifies "rite" as a *ceremony*. In a broader sense, Antoine went on, "rite" is the *discipline* established by the authority of the Church or by use and custom approved by the Church. Lastly, Antoine construed "rite" as a *society* to which persons belonged.<sup>11</sup> It would take more than two centuries to clarify terminological usage.

## 2.2 Inferiority of Eastern Rites

The equivocal usage of the term *ritus* is not the only problem. In the eighteenth century, the Eastern rites were officially designated as inferior to the Latin Rite. The premise was that the Latin Rite, inasmuch as it is the rite observed by the Church of Rome, is superior to the Greek rite, a principle that is the basis of the prohibition for a person to transfer from the Latin to a Greek or Eastern rite because that would be going from a superior to an inferior status. Benedict XIV, in *Etsi pastoralis* explained the reason for the pre-eminence of the Latin rite:

[...] indeed, the Latin Rite because of its preeminence as the rite of the Holy Roman Church is the mother and teacher of all Churches, and thus prevails over the Greek rite.<sup>12</sup>

The same Pope, in *Allatae sunt*, extended the pre-eminence of the Latin Rite over all Eastern rites and formulated norms consonant with this principle:

Since the Latin rite is the rite of the holy Roman church and this church is mother and teacher of the other churches, the Latin rite should be preferred to all other rites. It follows that it is not lawful to transfer from the Latin to the Greek rite. Nor may those who have come over to the Latin rite from the Greek or Oriental rite return again to the Greek Rite, unless particular circumstances occasion the giving of a dispensation (constitution *Etsi Pastoralis* 57, sect. 2, no. 13, in *Our Bullarii*, vol. 1).<sup>13</sup>

These not simply the opinions of canonists or theologians, but positions and provisions sanctioned with papal authority. Reduction to the status of second-class citizens had serious effects on the Eastern Catholic Churches especially in the matter of liturgy. "Latinizing" arose because it seemed natural to incorporate superior—Latin—

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<sup>11</sup> *Ibid.*, 49-50.

<sup>12</sup> Benedict XIV, Enc. Lit., *Etsi pastoralis* (26 May 1742) §2, n. 13.

<sup>13</sup> Benedict XIV, Enc. Lit. *Allatae sunt* (26 July 1755) n. 20.

practices in the inferior – Eastern – rites. This approach was officially prohibited by the Roman Pontiffs, but the practice continued.<sup>14</sup>

### 2.3 Denial of Ecclesial Status

In the nineteenth-century Pope Pius IX excluded of the component of “discipline” from the notion of *ritus*. With his concern on the unity (read: uniformity) of the Church, Pius IX restricted the term *ritus* to mean only liturgy and the manner of its celebration of the sacraments<sup>15</sup> and felt free to attempt unify discipline in matters such as the designation of bishops, an initiative that met with much resistance on the part of the Eastern Catholic Churches.<sup>16</sup>

This modification is not simply theoretical ecclesiology or matter of terminology but a reduction in the self-governing authority of the self-governing authority of the Eastern Catholic hierarchies.

According to this constricted notion of “rite,” Eastern Catholics were simply Roman Catholics in distinct provincial structures and who have the permission to celebrate the sacraments differently. With regard to governance structures, the authority of the patriarchs was comparable to that of Latin archbishops. The Catholic Church did not regard the Eastern Catholic communities as “Churches,” but only as administrative structures in the Catholic (read: Latin) Church.

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<sup>14</sup> Benedict XIV in his apostolic constitution of 24 December 1743 prohibited the practice for the Melkites. Leo XIII, in *Orientalium dignitas*, expanded the prohibition for all Eastern Catholics

<sup>15</sup> William Basset describes the position of Pius IX:

Do not fail, the Pontiff said, to teach the Armenians and all Eastern Christians the difference between discipline and rite, for confusion on these two points troubles the minds of the faithful and constantly gives rise to unjustifiable complaints. Certainly, the rites will be preserved. But this does not prevent, above all in the manner of government of the Church, the first maintenance of canonical discipline and its re-establishment wherever it has been altered or destroyed. On this point, he concluded, Rome will never deviate, for it is an absolute requirement of the apostolic ministry.

Bassett, *op. cit.*, 60-61.

<sup>16</sup> See Pius IX, Ap. Letter *Reversurus* (12 July 1867) and Ap. Letter *Cum ecclesiastica disciplina* (31 August 1869) in *Acta et decretal Sacrorum Conciliorum Recentiorum: Collectio Lacensis auctoribus presbyteris S.J. e domo B.V.M. sine labe concepta ad Lacum*, vol. 2, cols. 568-573 and 574-576 respectively.

A sea-change in Catholic appreciation of the Eastern rites took place with Leo XIII, who opened his encyclical *Orientalium dignitas Ecclesiarum* with the phrase:

The Churches of the East are worthy of the glory and reverence that they hold throughout the whole of Christendom in virtue of those extremely ancient, singular memorials that they have bequeathed to us.<sup>17</sup>

Consonant with this revolutionary assertion of the dignity of the Eastern Catholic Churches, the specific canonical provisions of *Orientalium dignitas*, are based on the premise that the rites are equal.<sup>18</sup>

#### 2.4 "Ritus" and "Traditio"

One finds equivocal usage of the term *ritus* in the decree *Orientalium Ecclesiarum*<sup>19</sup> of the Second Vatican Council. It used the term *ritus* to designate an Eastern Catholic Church (see *De Ecclesiis Particularibus seu Ritibus* before n. 2) as well as the liturgical patrimony of the Church (see *OE* n. 6). This equivocal usage continued in the Latin Code.<sup>20</sup>

The *Guidelines for the Revision of the Code of Oriental Canon Law*,<sup>21</sup> approved at outset of the project on 23 March 1974, provided direction in the drafting of the future common code for the Eastern Catholic Churches. Point 7, n. 1 of the *Guidelines* states addressed the issue of nomenclature for the Eastern and Western Churches:

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<sup>17</sup> Leo XIII, *Orientalium dignitas*, 30 November 1894.

<sup>18</sup> "7. Any person of an Eastern rite who has transferred to the Latin rite, even when this has been authorized by Pontifical rescript, shall be permitted to return to his original rite, upon petitioning the Apostolic See.

"8. A woman of the Latin rite who marries a man of an Eastern rite, and likewise a woman of an Eastern rite who marries a man of the Latin rite, has the freedom to transfer to her husband's rite at the beginning of or any time during their marriage. When the marriage bond is ended, she will have the power to resume her former rite.

"9. Anyone of an Eastern rite that resides outside the patriarchal territory will be under the administration of the Latin clergy; he shall, however, remain reckoned as belonging to his own rite. By means of this, neither length of time nor any other reason shall in any way alter his being subject to his Patriarch once he returns to his territory."

<sup>19</sup> Vatican II, decree *Orientalium Ecclesiarum*, 21 November 1964: AAS 57 (1965) 76-85. Abbreviated as *OE*.

<sup>20</sup> See *CIC* cc. 111-112.

<sup>21</sup> *Nuntia* 3 (1976) 18-24.

1. The notion of Rite should be re-examined and a new term agreed upon to designate the various Particular Churches of the East and the West.<sup>22</sup>

This fulfillment of this mandate finds expression in *CCEO* canon 28 which defines the terms “rite” and “tradition.”

§1. A rite is a liturgical, theological, spiritual, and disciplinary heritage, differentiated by the culture and the circumstances of the history of peoples, which is expressed by each Church *sui iuris* in its own manner of living the faith.

§2. The rites dealt with in this Code, unless it is established otherwise, are those which arise from the Alexandrian, Antiochian, Armenian, Chaldean, and Constantinopolitan traditions.

To paraphrase the somewhat complex first paragraph, a rite has four components: liturgy, theology, spirituality and discipline. The differentiation among the rites arose as a consequence of culture and historical circumstances. It is clear that the term *ritus* is no longer used to designate a community, but rather “a manner of living the faith.”<sup>23</sup> Most beneficially, the Eastern Code in canons 39-41 (Chapter II: The Preservation of Rites”) describes the rites as the patrimony of the entire Catholic Church and delineates the responsibilities of various categories of faithful regarding the observance and preservation of rites (c. 40) and understanding of them in carrying out an office, ministry or function (c. 41).

The second paragraph of canon 28 lists the five Eastern *traditiones* from which the various Eastern rites arise. The clause, “unless it is established otherwise” refers to the possibility that the Roman tradition could also be treated in the Eastern code.

We have examined the notion of rite and have definitely determined that it is not the community, but rather *a manner of living the faith*, specified in the various Eastern Catholic communities. Let us move

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<sup>22</sup> *Nuntia* 3 (1976) 22.

<sup>23</sup> While the Council documents frequently referred to the Eastern Catholic Churches as “rites,” *Unitatis redintegratio* never referred to the Orthodox as rites but only as Churches, with the qualifiers such as *particular*, *local* or *sister*. See Vatican II, decree *Unitatis redintegratio*, 21 November 1964, *AAS* (1965) 90-107 (Abbreviated as *UR*), n. 14.



to an examination of the community itself and its canonical status in the Catholic Church.

### 3. Notion of *Ecclesia Sui Iuris*

In order to understand the nature and status of the *Ecclesia sui iuris*, it is necessary to examine two factors that were operable in its foundation: the coalescence of Churches and the articulation of an ecclesiastical hierarchy.

#### 3.1 The Coalescence of Churches

The fundamental manifestation of Church is the "particular church,"<sup>24</sup> which generally takes the canonical form of an eparchy / diocese. The conciliar decree on the pastoral office of bishops in the Church, *Christus Dominus*, states:

A diocese is a portion of the people of God which is entrusted to a bishop to be shepherded by him with the cooperation of the presbytery. Thus by adhering to its pastor and gathered together by him through the Gospel and the Eucharist in the Holy Spirit, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative.<sup>25</sup>

As a portion of the people of God entrusted to a bishop, the eparchy / diocese is not to be construed as a "segment" of the Universal Church or "branch office" of the Apostolic See, but rather a full manifestation of the Church of Christ in a certain locale.

To admit that the particular church is a full manifestation of the Church of Christ allows for the Catholic Church to be conceived as a

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<sup>24</sup> The use of the term "particular church" to designate a diocese or eparchy did not go unchallenged. Father Nedungatt was a and strong proponent of the use of the term *Ecclesia particularis* to designate a *coetus Ecclesiarum*, i.e., an Eastern Catholic Church. See *Nuntia* 2 (1976) 75-87. The term *Ecclesia particularis* had been used equivocally in the documents of the Second Vatican Council. In *Christus Dominus* n. 11, the term is used to designate the diocese, while in *Lumen gentium* nn. 13 and 23, it is used to designate a grouping of churches (*coetus Ecclesiarum*). In the end, the term *Ecclesia particularis* was used in the Latin Code to designate the diocese, while the drafters of the Eastern Code were obliged to find another term, among the candidates was the term *Ecclesia peculiaris*. See *Communicationes* 8 (1976) 81-82.

<sup>25</sup> Vatican II, decree *Christus Dominus*, 28 October 1965: AAS 58 (1966) 673-696, n. 11. Abbreviated as *CD*. See *CIC* c. 369 and *CCEO* c. 177.

*communion of Churches*. However, it would be incorrect to see this communion as a homogenous amalgam. The particular churches, while remaining intact and distinct, relate to each in different ways and sometimes coalesce to form a group of churches. This phenomenon is described in *Lumen gentium* n. 23:<sup>26</sup>

By divine Providence it has come about those various churches, established in various places by the apostles and their successors, have in the course of time coalesced into several groups, organically united, which, preserving the unity of faith and the unique divine constitution of the universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and spiritual heritage.

The groupings of the churches are not a consequence of divine will. Rather, the agency in the coalescence of the various churches is divine providence, which is God carrying out His plan by acting through the natural order of things. The coalescence takes place under the influence of factors such geography, demography, politics, history, culture and language.

The coalescence results in a common manner of living the faith, a “rite” with four essential elements, i.e., discipline, liturgical usage, theology and spirituality, differentiated by culture and historical circumstances.<sup>27</sup> (see CCEO c. 28 §1).

These various ecclesial groupings with their diverse patrimony do not injure the unique universal constitution of the Church, but fosters the universality of the Church. *Lumen gentium* n. 13 states that under the guidance of the successors of Peter, the differences do not hinder unity, but rather contribute to it.

Moreover, within the Church particular Churches hold a rightful place; these Churches retain their own traditions, without in any way opposing the primacy of the Chair of Peter, which presides over the whole assembly of charity and protects legitimate differences, while at the same time assuring that such differences

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<sup>26</sup> Vatican II, dogmatic constitution *Lumen gentium*, 21 November 1964: AAS 57 (1965) 5-67. Abbreviated as *LG*.

<sup>27</sup> See CCEO c. 28 §1. Among the Eastern Catholic Churches, the groupings are classified according to five traditions: Alexandrian, Antiochene, Armenian, Chaldean, and Constantinopolitan (see CCEO c. 28 §2).

do not hinder unity but rather contribute toward it. Between all the parts of the Church there remains a bond of close communion whereby they share spiritual riches, apostolic workers and temporal resources.

The conciliar passage closes with the note that the close communion between the various parts of the Church will provide for the possibilities of shared spiritual riches, apostolic workers and temporal resources.

To close, it is important to recognize that this coalescence of churches is the result of two factors, divine will and divine providence: The Roman Pontiff presides over the universal Church as a "visible principle and foundation of unity of both the bishops and of the multitude of faithful." (LG n. 23a). The particular church, headed by a bishop and manifesting the fullness of church exists *ex iure divino*. The process of coalescence into a *coetus Ecclesiarum* as a consequence of influential factors of culture and history is a unifying and not disintegrating process, an expression of divine providence, that is, God's salvific plan advancing through the natural order of things.

### **3.2 The Configuration of a Hierarchy**

This coalescence also resulted in a diversification of hierarchical relationships. The hierarchs of prominent sees began to exercise influence, eventually defined as jurisdiction, over surrounding sees. Metropolitans exercise authority over bishops and are likewise subordinated to the jurisdiction of patriarchs, an arrangement described as ancient canon 6 of the Council of Nicea I (325).

The ancient customs of Egypt, Libya and Pentapolis shall be maintained, according to which the bishop of Alexandria has authority over all these places, since a similar custom exists with reference to the bishop of Rome. Similarly, in Antioch and the other provinces the prerogatives of the churches are to be preserved.<sup>28</sup>

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<sup>28</sup> Tanner, 1:8.

In its description of the coalescence, *Lumen gentium* n. 23 describes the patriarchal churches as the standard paradigm of ecclesial infrastructure.<sup>29</sup>

Some of these churches, notably the ancient patriarchal churches, as parent-stocks of the Faith, so to speak, have begotten others as daughter churches, with which they are connected down to our own time by a close bond of charity in their sacramental life and in their mutual respect for their rights and duties. This variety of local churches with one common aspiration is splendid evidence of the catholicity of the undivided Church. In like manner the Episcopal bodies of today are in a position to render a manifold and fruitful assistance, so that this collegiate feeling may be put into practical application.

A patriarchal church is a *coetus Ecclesiarum* comprising metropolitan sees and eparchies. The conciliar passage identifies the patriarchal churches as “parent stocks of the Faith,” which through missionary efforts gave rise to daughter churches. A simplified approach from the perspective of *traditions* (CCEO c. 28 §2) reveals that Alexandria evangelized eastern Africa, Antioch spread the message through eastern and southeastern Asia, while Constantinople extended its mission through eastern Europe. The Armenian tradition was the first to be adopted as a state religion. The Chaldean tradition is an off shoot of the Antiochene tradition but assumed a different physiognomy because of its location outside the Roman Empire.

*Orientalium Ecclesiarum* n. 3 describes the resulting communion of Catholic Churches of East and West:

These [particular] Churches, whether of the East or the West, although they differ somewhat among themselves in rite (to use the current phrase), that is, in liturgy, ecclesiastical discipline, and spiritual heritage, are, nevertheless, each as much as the others, entrusted to the pastoral government of the Roman Pontiff, the divinely appointed successor of St. Peter in primacy over the universal Church. They are consequently of equal dignity, so that none of them is superior to the others as regards rite and they enjoy the same rights and are under the same obligations, also in respect

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<sup>29</sup> When schisms occurred, the subsequent separated communities each created patriarchal structures, which were presumed to be the standard form of ecclesial governance.

of preaching the Gospel to the whole world (cf. Mark 16, 15) under the guidance of the Roman Pontiff.

In this passage the conciliar decree emphasizes the unity of the Church and the equal dignity of the rites that are all entrusted to the guidance of the successor of Peter, the Roman Pontiff, with the same rights and obligations.

### 3.3 Differentiation of Episcopal Roles

It is to be noted that the institution of the episcopal body and its attendant power exists *ex iure divino*. The differentiated roles that the members of the episcopal college exercise in the Church, exist *ex iure canonico*. Some bishops are entrusted with the pastoral care of a diocese or eparchy and exercise their authority under the authority of the Roman Pontiff:

Individual bishops who have been entrusted with the care of a particular church--under the authority of the supreme pontiff--feed their sheep in the name of the Lord as their own, ordinary, and immediate pastors, performing for them the office of teaching, sanctifying, and governing.<sup>30</sup>

Bishops entrusted with a portion of the people of God (see *CD* n. 11) are designated either *eparchial bishops* (*CCEO* c. 178) or *diocesan bishops* (*CIC* cc. 376 and 381 §1). Bishops not entrusted with the pastoral care of an eparchy or diocese, e.g., coadjutor bishops (*CCEO* c. 212 §2 / *CIC* c. 403 §3); auxiliary bishops (*CCEO* c. 212 §1 / *CIC* 403 §§ 1-2); *emeriti* (*CCEO* c. 218 / *CIC* c. 402); curial bishops (*CCEO* c. 87); legates of the Roman Pontiff (*CIC* cc. 362-367); bishops of the Roman Curia (*CIC* cc. 360-361) are referred to as *titular bishops* (*CCEO* c. 179 / *CIC* c. 376).<sup>31</sup>

The differentiation of roles is made not only according to the factor of whether the bishop governs an eparchy/diocese but can arise in consideration of the status of the eparchy/diocese. The bishops of certain eparchies/dioceses exercise authority over others, whether of eparchial/diocesan or metropolitan status. *Christus Dominus* n. 11 notes: "At the same time, [the individual bishops] must recognize the

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<sup>30</sup> *CD* n. 11. See *CIC* c. 375 / no counterpart in *CCEO*.

<sup>31</sup> For the most part, bishops not entrusted with an eparchy / diocese are given a titular see, a diocese that is no longer functional. However, this is not always the case. Retired bishops are now designated as *emeriti* of the last office that they held.

rights which legitimately belong to patriarchs or other hierarchic authorities.”

### **3.3.1 Metropolitans: Supra-Episcopal Authority**

Supra-episcopal authority finds its origins in the ancient tradition of the Church. Canon 4 of the First Council of Nicaea (325) refers to metropolitan structures in its treatment of the appointment of bishops.<sup>32</sup> Bishops of certain eparchies/dioceses can be empowered by the Roman Pontiff to exercise governance over bishops of another diocese/eparchy. In both East and West, the pallium is a sign of supra-episcopal power (*CCEO* c. 156 / *CIC* c. 437).

In the Latin Church, the metropolitan, an archbishop in his diocese, presides over an ecclesiastical province (*CIC* c. 435). In the suffragan dioceses, the metropolitan is competent: to exercise vigilance over the faith and vigilance of ecclesiastical discipline and to inform the Roman Pontiff of any abuses; with the approval of the Apostolic See to conduct a canonical visitation of a case neglected by the suffragan bishop; to designate a diocesan administrator in certain circumstances (*CIC* c. 436 §1). This is an exhaustive list of the powers of governance of the metropolitan (*CIC* c. 436 §3). While not mentioned in the Latin Code, in practice one of the functions of the metropolitan and suffragan bishops is to identify candidates for the episcopate for submission to the Roman Pontiff. With the exception of the discernment of future leadership, the function of the metropolitan is quite limited in the modern Church. Several factors could have influenced this restrictive role of the metropolitan: centralization in the Roman Curia, the active involvement of the pontifical legate in the life the local church, the facility of communication. There are advantages for an expanded role. In any case, there is always the possibility that the authority of the metropolitan over the suffragan bishops of his province can be expanded.

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<sup>32</sup> Canon 4. “It is by all means desirable that a bishop should be appointed by all the bishops of the province. But if this is difficult because of some pressing necessity or the length of journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the give and given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan bishop.” Norman Tanner, ed. *Decrees of the Ecumenical Councils*. 2 vols. (London and Washington: Sheed & Ward and Georgetown University Press, 1990) (Abbreviated “Tanner.”) 1:7.

### 3.3.2 Patriarchs: Supra-Metropolitan Authority

The hierarchical / ecclesial configuration is different in the Eastern Catholic Churches.<sup>33</sup> The Eastern Code articulates an ecclesiastical infrastructure with the patriarchal Churches as the norm. The Eastern code treats eparchies (CCEO c. 177) entrusted to a bishop and, in manner similar to the Latin code includes the office of metropolitan, exercising a limited authority over the suffragan sees (CCEO cc. 133-139).<sup>34</sup> These jurisdictions are subject to the authority of a patriarch with a synod of bishops (CCEO cc. 55-150).

While the metropolitan exercises supra-episcopal authority, the patriarch exercises supra-metropolitan authority:

Can. 56. A patriarch is a bishop who has power over all the bishops, including metropolitans, and other Christian faithful of the Church over which he presides, according to the norm of law approved by the supreme authority of the Church.

We have already seen that metropolitans exercise supra-episcopal authority in virtue of the jurisdiction granted to them by the Roman Pontiff. What is the source of supra-metropolitan authority? *Lumen gentium* n. 27 speaks of the circumscription of the authority of the bishop:

This power, which [the bishops] personally exercise in Christ's name, is proper, ordinary and immediate, although its exercise is ultimately regulated by the supreme authority of the Church, and can be circumscribed by certain limits, for the advantage of the Church or of the faithful.

The regulation by the supreme authority creates a hierarchical structure in which the bishop, perhaps subject to an intermediate authority (e.g., patriarch, major archbishops, synods, metropolitans, and councils) carries out his mission.

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<sup>33</sup> In the Latin Church, the title of patriarch is purely honorific and entails no power of governance (CIC c. 438). In the seventh century, Pope Theodore I (642-649) used the title of "Patriarch," but the title was generally for use in the East. The title of "Patriarch of the West" was omitted from the titles of the Bishop of Rome in the publication of the 2006 *Annuario Pontificio*.

<sup>34</sup> Although the term "council of hierarchs" is used to identify the assembly of bishops in a metropolitan Church *sui iuris*, CCEO canon 133 §1, 2° mentions a metropolitan synod of a province.

In n. 24, the dogmatic constitution states:

The canonical mission of bishops can come about by legitimate customs that have not been revoked by the supreme and universal authority of the Church, or by laws made or recognized by that authority, or directly through the successor of Peter himself;

The conciliar passage accepts that the structures and procedures have developed over the centuries and that precise jurisdictional relationships can arise either out of custom or laws made or recognized by the supreme authority of the Church.

Pope John Paul II, in the apostolic constitution *Sacri canones* succinctly describes the source of the authority of the patriarch and synods.

This is also evident in the various forms of the hierarchical constitution of the Eastern Churches: the patriarchal Churches are preeminent among these, in which the patriarchs and synods are sharers in the supreme authority of the Church by canon law.<sup>35</sup>

Supra-episcopal or supra-metropolitan power is a participation in the supreme authority of the Church and is configured *ex iure canonico*.

A clear understanding of the coalescence of churches into a *coetus Ecclesiarum* and a differentiation of episcopal roles provides us with the necessary tools to articulate the canonical status of the Eastern Catholic Churches in the Catholic Church.

### 3.4 Church Sui Iuris

#### 3.4.1 Right to Self-Governance

The Second Vatican Council declared that the Eastern Catholic Churches have the right to govern themselves:

For this reason [this Sacred Council] solemnly declares that the Churches of the East, as much as those of the West, have a full right and are duty-bound to rule themselves, each in accordance with its own established disciplines since all these are praiseworthy by reason of their venerable antiquity, more harmonious with the

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<sup>35</sup> *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1990). English translation from the *Code of Canons of the Eastern Churches: New English Translation* (Washington, DC: Canon Law Society of America, 2001) xxiv.



character of their faithful and more suited to the promotion of the good of souls.<sup>36</sup>

It would be left to the Eastern Code to elaborate on the norms in order to provide a context for self-governance. The seventh point of the *Guidelines* states:

2. As regards the structure of the various Particular Churches, the juridical effects of the principle of the equality of all the Churches of the East and of the West, which was asserted by the Second Vatican Council (*Orientalium Ecclesiarum*, n. 3), should obtain recognition in the new Code: as, for example, that every Oriental Church have its own hierarchy organized according to the ancient canons and the genuine Oriental traditions.<sup>37</sup>

The Eastern Code fulfills the mandate in its description of a Church *sui iuris* in CCEO canon 27:

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*.

There are certain key elements in this canon: The Church *sui iuris* is a *coetus christifidelium*, a stable community, not simply a charismatic, sporadic assembly. A hierarchy (comprising at least one hierarch) is an essential element that unifies the Church *sui iuris* and distinguishes one Church *sui iuris* from another. The *sui iuris* status of the community is conferred either through express or tacit recognition of the supreme authority; a *coetus fidelium* or a *coetus Ecclesiarum* cannot confer *sui iuris* status on itself.

### 3.4.2 Parameters of Self-Governing Authority

*This self-governing authority is not absolute.* We have already indicated that the supra-episcopal or supra-metropolitan authority exercised<sup>38</sup> by the hierarchs is a participation in the supreme authority of the Church. Therefore, the power of governance can be validly and lawfully exercised only in the context of full communion. CCEO

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<sup>36</sup> OE n. 5. A similar affirmation was made by the Council regarding the governing power of the Orthodox Churches in UR n. 16.

<sup>37</sup> *Nuntia* 3 (1976) 22.

<sup>38</sup> Bishops govern their own eparchies in consequence to their membership in the College of Bishops. See CD n. 11 and LG n. 25

canon 56 provides that the patriarch (and major archbishop, see CCEO c. 152) governs the patriarchal Church “according to the norm of law approved by the supreme authority of the Church.” A metropolitan, i.e., a hierarch who governs a Church *sui iuris* that is not part of a patriarchal Church, governs the metropolitan Church *sui iuris* “according to the norm of law” (CCEO c. 155 §1).

*The self-governing authority is not identical in all the Churches sui iuris.* The Eastern Code classifies the Eastern Churches *sui iuris* as follows: patriarchal (Title IV, cc. 55-150); major archiepiscopal (Title V, cc. 151-154); metropolitan (Title VI, cc. 155-173); other Churches (Title VI, cc. 174-176).

The patriarchal Churches enjoy the highest degree of self-governing authority. We have already cited *Lumen gentium* n. 23, which identifies the patriarchal Church as the typical model for a self-governing Eastern Catholic Church. *Orientalium Ecclesiarum* n. 9 provides a basis for the elaboration of the canonical norms on patriarchs in the future Code:

By the most ancient tradition of the Church, the patriarchs of the Eastern Churches are to be accorded special honor, seeing that each is set over his patriarchate as father and head.

This Sacred Council, therefore, determines that their rights and privileges should be re-established in accordance with the ancient tradition of each of the Churches and the decrees of the ecumenical councils.

The rights and privileges in question are those that were obtained in the time of union between East and West; though they should be adapted somewhat to modern conditions.

The patriarchs with their synods are the highest authority for all business of the patriarchate, including the right of establishing new eparchies and of nominating bishops of their rite within the territorial bounds of the patriarchate, without prejudice to the inalienable right of the Roman Pontiff to intervene in individual cases.

In this section, the Council states that special honor is to be accorded to the patriarchs and that their rights and privileges are to be re-established, specifically those in the time of union between East and West. One author states that prior to the Great Schism, self-governance of the patriarchal Churches was exercised in three areas:

(1) the election of the patriarchs and bishops; (2) legislative authority over the liturgy and other canonical matters; (3) disciplinary matters relating to the clergy and laity.<sup>39</sup>

A significant phrase in the *OE* n. 9 is that "patriarchs with their synods are the highest authority for all business of the patriarchate." The Council does not determine that either the patriarch or the synod of bishops is superior to the other. Likewise, the Eastern Code makes no determination as to superiority, but generally allocates the powers of governance as follows: Legislative and judicial authority is allocated to the synod of bishops of the patriarchal Church (*CCEO* c. 110 §§1-2)<sup>40</sup> while the patriarch is endowed with executive authority (*CCEO* c. 110 §4). The synod of bishops of the patriarchal Church conducts the election of the patriarch, bishops, and candidates for offices outside the territory of the patriarchal churches as indicated in *CCEO* canon 149 (*CCEO* c. 110 §3).

*Orientalium Ecclesiarum* n. 10 described the canonical figure of the major archbishop as almost identical to that of the patriarch:

What has been said of patriarchs is valid also, in harmony with the canon law, in respect to major archbishops, who rule the whole of some individual church or rite.

Because of the similarities between the patriarch and the major archbishop, Title V is quite brief. The significant difference is that the election of the major archbishop must be confirmed by the Roman Pontiff before the one elected can be enthroned (*CCEO* c. 153 §§2-3).

The third category of a Church *sui iuris* is the metropolitan Church *sui iuris*.<sup>41</sup> The reduced level of self-governing authority is easily perceived in the governance of this Church. While the patriarch, major archbishop, and bishops of the patriarchal/major archiepiscopal Church are elected by their respective synods, the metropolitan and bishops are nominated in a list of three candidates

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<sup>39</sup> Guglielmo de Vries, "Il Decreto Conciliare sulle Chiese Cattoliche Orientali," *Civiltà Cattolica* 116 (1965) 115.

<sup>40</sup> Legislative activity involves an interplay between the patriarch and the synod. The patriarch cannot enact legislation on his own but is solely competent to promulgate the laws and publish decisions in the manner and time established by the synod of bishops (c. 112).

<sup>41</sup> This is to be distinguished from the metropolitans who preside over a province of a patriarchal Church (cc. 133-139).

and appointed by the Roman Pontiff (CCEO c. 168). The metropolitan is assisted by the council of hierarchs in the governance of the metropolitan Church *sui iuris* (CCEO c. 155 §1). It would seem that the scope of the legislative power of the metropolitan council of hierarchs is also more constrained than that of the patriarchs with their synods: The council of hierarchs can enact laws in matters specifically identified in the canons or those instances when the matter is remitted to the particular law of a Church *sui iuris* (CCEO c. 167 §2). There is doubt regarding this restriction because CCEO canon 169 mandates the council hierarchs to see that the pastoral needs of the faithful are provided for, which would involve the enactment of appropriate legislation. The point is not so crucial because the Apostolic See must give written notification of reception before legislation can be promulgated (CCEO c. 167 §2). If the legislation exceeds the competence of the council of hierarchs, the Apostolic See need not give its approval.

The fourth category of Church *sui iuris* is simply designated as “Other” because the entities are so diverse, at times being only one eparchy or a monastery. These Churches are immediately subject to the authority of the Apostolic See and the hierarch functions with power delegated by the Apostolic See (CCEO c. 175). Particular laws or acts of administration generally require the consent of the Apostolic See (CCEO c. 176).

One can see that the authority of the Churches *sui iuris* runs from broad to minimal independence in self-governance. We have already examined the source and nature of these Eastern Catholic Churches, but a few significant questions remain. Where do they “fit in” the context of the universal Church? How are they a part of the Catholic Church?

#### **4. A Tripartite Paradigm**

One way to begin to ascertain the place of the Church *sui iuris* in the ecclesial structures of the Catholic Church is to examine an outline of the codes. The 1917 *Code of Canon Law* in Book Two “On Persons” delineates the hierarchical structure of the Church as follows:<sup>42</sup>

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<sup>42</sup> The 1917 Code represented the ecclesial structure of the Church through a delineation of the hierarchy of the Church. *Lumen gentium* inverted this approach by beginning with a treatment on the People of God in Book II.

Title VII. On supreme power and those who participate in it by ecclesiastical law

Chapter I. Roman Pontiff

Chapter II. Ecumenical Council

Chapter III. Cardinals of the Holy Roman Church

Chapter IV. Roman Curia

Chapter V. Legates of the Roman Pontiff

Chapter VI. Patriarchs, primates, and metropolitans

Chapter VII. Plenary and provincial councils

Chapter VIII. Apostolic Vicars and prefects

Chapter IX. Apostolic Administrators

Chapter X. Inferior Prelates

Title VIII. Episcopal power and those who participate in it

Chapter VI, "Patriarchs, primates and metropolitans," with its treatment of hierarchs who exercise supra-episcopal power, is of interest to us. 1917 Code canon 271 treats patriarchs and primates and states that these are a prerogative of honor and have no special jurisdiction unless particular law provides otherwise. The patriarchs referred to are the Latin patriarchs of Jerusalem, West Indies, East Indies, Lisbon, and Venice. None of these patriarchates exercise supra-metropolitan authority, but some exercise supra-episcopal authority over suffragan sees in the manner of a metropolitan. This would be expected from the Latin Code.

The 1983 *Code of Canon Law* comprises canons the People of God in Book II and in Part II deals with the hierarchical constitution of the Church and takes an approach similar to that of its predecessor:

Part II. The Hierarchical Constitution of the Church

Section I. The Supreme Authority of the Church

Chapter I. The Roman Pontiff and College of Bishops

Chapter II. The synod of bishops

Chapter III. The cardinals of the Holy Roman Church

Chapter IV. The Roman Curia

Chapter V. Legates of the Roman Pontiff

## Section II. Particular Churches and Their Groupings

Notice that Section I focuses on *authority*, specifically supreme authority, while Section II considers the hierarchical constitution from the perspective of the *church*. While the title of the section does not so indicate, the institutions treated in chapters II-V can all participate under clearly defined conditions in the exercise of the supreme authority of the Church.<sup>43</sup> Patriarchs are no longer in the section of supreme authority but in the context of groupings of churches. Canon 348 of the 1983 code restricts the office of patriarch to a title, a prerogative of honor with no power of governance attached to it. This is the modern Latin canonical notion of the patriarch.<sup>44</sup> The outlines of the codes are the law of the Latin Church are understandable: their context is the Latin Church. At the time of the promulgation of the Latin Code, the Bishop of Rome still included “Patriarch of the West” in his list of titles but abandoned the title in 2006 (see below). The excision of the title from the list of titles of the Bishop of Rome is understandable because it was inappropriate for use in the West. The difficulty is that there is now a *lacuna*: under what title does the Bishop of Rome act when he is functioning in his capacity as head of the Latin Church?

Let us now examine the Eastern codes.

The promulgation of the pre-conciliar Eastern code was in stages, a process that discontinued with the convocation of the Second Vatican Council in 1959 and resulted in an incomplete code. Nevertheless, the outline of *Cleri sanctitati*,<sup>45</sup> the 557 canons on rites and persons reveals its underlying ecclesiology premises. One finds that the schematic

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<sup>43</sup> Consonant with the Second Vatican Council, the 1983 code mentions the College of Bishops and not only the Ecumenical Council, which is only one way in which the College of Bishops can exercise supreme authority.

<sup>44</sup> The 1983 code mentions Eastern Catholic patriarchs in two places: (1) in the context of the college of cardinals: they belong to the episcopal order (*CIC* c. 140 §1) and retain their patriarchal see as a title (*CIC* c. 140 §3); (2) they are to be heard in the place they select when they are witnesses (*CIC* c. 1558 §2). *Predicate Evangelium* treats the involvement of Eastern Catholic patriarchs in the Roman Curia and *Apostolica sollicitudo* articulates their participation in the synod of bishops.

<sup>45</sup> Pius XII, *motu proprio Cleri sanctitati*, 2 June 1957: *AAS* 49 (1957) 433-603.

hierarchical organization for the Eastern Churches mimicked the Latin codes.

#### Title IV. Specific clerics

Part I. Supreme power and those who are participate in it by canon law

Chapter I. The Roman Pontiff

Chapter II. Ecumenical Synod

Chapter III. Cardinals of the Holy Roman Church

Chapter IV. Roman Curia

Chapter V. Legates of the Roman Pontiff

Chapter VI. Patriarchs

Chapter VII. Archbishops and other metropolitans

Chapter VIII. Patriarchal, archiepiscopal and provincial synods of several rites of several provinces

Chapter IX. Apostolic administrators

Chapter X. Exarchs

Part II. Episcopal power and those who participate in it

The treatment of the hierarchical structure clearly indicates the two poles of authority in the Church and those who exercise that authority:<sup>46</sup> At one pole is the Supreme Power exercised by the Roman Pontiff and the Ecumenical Synod, who in turn articulate the manner in which others can participate in this power. At the other end are those who exercise episcopal power.

*Cleri sanctitati* does not delineate the hierarchs of Part II in a random fashion, but according to a certain hierarchy; Chapter I treats the Roman Pontiff, which is followed by canons on the ecumenical synod in Chapter II and ends with the canons on exarchs. A criticism of the order is that the patriarch, described as "*pater et caput*" of their respective Churches (identified as a "patriarchate" or "rite") comes after the Roman Curia and papal legates.

In order to avoid some of the pitfalls of trying to incorporate Eastern hierarchs in the context of governance structures in the Latin Church,

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<sup>46</sup> This was the approach taken in the 1917 code, but not found in the 1983 which moved from a treatment of *authority* in Section I and *churches* in Section II.

the 1990 Eastern Code used a system found in the ancient *nomocanons: titles*. In this way, no subordination is indicated by the organizational context.

Title II establishes the “building blocks” of a Catholic canonical governance structure: the Church *sui iuris*. It is important to keep in mind that the Latin Church is also Church *sui iuris*, and – despite the disparity of size – a canonical counterpart to the other Eastern Catholic Church. *Orientalium Ecclesiarum* n. 3 speaks of the equality of the Churches of East and West:

These [particular] Churches, whether of the East or the West, although they differ somewhat among themselves in rite (to use the current phrase), that is, in liturgy, ecclesiastical discipline, and spiritual heritage, are, nevertheless, each as much as the others, entrusted to the pastoral government of the Roman Pontiff, the divinely appointed successor of St. Peter in primacy over the universal Church.

The Latin Church is not to be identified as the Catholic Church, nor is it to be considered as superior to the other Churches *sui iuris*.

The Latin Church, headed by the Bishop of Rome,<sup>47</sup> is also a Church *sui iuris* and, for various reasons, *sui generis*. There was some question regarding the applicability to the Latin Church when the Eastern code employed the term “Church *sui iuris*.” The 2001 clarification of the Pontifical Council for Legislative texts states

Consequently, it must be understood that the Latin Church is implicitly included by analogy every time the CCEO expressly operates the term “Church *sui iuris*” in the context of inter-ecclesial relations.<sup>48</sup>

We have arrived at the point where we can articulate a paradigm for the Catholic Church. At the universal level, the Catholic Church is a unique communion with an external structure in which the Church of

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<sup>47</sup> The excision of the title “Patriarch of the West” from the list of titles in the 2006 *Annuario Pontificio* is justifiable for a variety of reasons, but it created a *lacuna* since there is no title for the Bishop of Rome when he acts in his capacity of the Latin Church. The list of titles manifests an intention to distinguish functions with titles; this function is no longer clearly identified.

<sup>48</sup> Pontifical Council for Legislative Texts, “Nota explicative quoad can. 1 CCEO,” *Communicationes* 43 (2011) 316.



Christ subsists.<sup>49</sup> This communion exists in virtue of divine law and is governed by a supreme authority, i.e., the Roman Pontiff and the College of Bishops.<sup>50</sup>

At the bottom level, this Church comprises *particular churches*, specifically identified in the Eastern code as "eparchies" and in the Latin code as "dioceses"<sup>51</sup> or their canonical equivalents. These particular churches are entrusted to the pastoral care of a bishop who "governs it as the vicar and legate of Christ; the power which he exercises personally in the name of Christ, is proper, ordinary and immediate" (CCEO c. 178; cf. CIC cc. 376 and 381 §1).<sup>52</sup> The bishops entrusted with particular churches are subject to the supreme authority of the Church, which regulates and circumscribes this episcopal power within certain limits for the benefit of the Church or of the Christian faithful.<sup>53</sup>

These bishops in the particular churches do not relate an exclusive, unilateral manner with the supreme authority of the Church, but also have a relationship with each other, indeed with all the bishops.<sup>54</sup> We have noted that through Divine Providence, there is a coalescence of these churches as a consequence of geographic, cultural, and historical factors. The coalescence results in ecclesial groupings (*coetus Ecclesiarum*) resulting in a common spiritual, theological, liturgical, and spiritual identity. In the process, certain sees acquire a pre-eminence and their hierarchs exercise various forms of authority over the other particular churches in the grouping of churches, articulated in canon law.

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<sup>49</sup> LG n. 8; CCEO cc. 7-8 / CIC cc. 204-205.

<sup>50</sup> CCEO Title III. The Supreme Authority of the Church (cc. 42-54) / CIC Book II, Part II, Section I. The Supreme Authority of the Church (cc. 330-367).

<sup>51</sup> CCEO c. 177 / CIC c. 368.

<sup>52</sup> See LG n. 27.

<sup>53</sup> CCEO c. 178 / cf. CIC c. 369.

<sup>54</sup> "As Christ's vicar, each bishop has the pastoral care of the particular Church entrusted to him, but at the same time he bears collegially with all his brothers in the episcopacy the *solicitude for all the Churches*: "Though each bishop is the lawful pastor only of the portion of the flock entrusted to his care, as a legitimate successor of the apostles he is, by divine institution and precept, responsible with the other bishops for the apostolic mission of the Church." *Catechism of the Catholic Church*, 2<sup>nd</sup> ed., n. 1560.

In the Latin Church, the governance structures in service to these ecclesial groupings (not recognized as *sui iuris*) are metropolitans, particular councils and conferences of bishops.<sup>55</sup>

In the Eastern Catholic Churches, the supreme authority accords these ecclesial groupings varying degrees of self-governing authority and designates them with the generic title of *Ecclesia sui iuris*.<sup>56</sup> These are at the intermediate level of the paradigm.

The degree of self-governing authority is indicated through the title of the presiding hierarch. The patriarchal church enjoys the highest degree of self-governing power is governed by a patriarch with a synod of bishops.<sup>57</sup> The major archiepiscopal church possesses a self-governing authority to that of the patriarchal church with the exception of the election procedures.<sup>58</sup> Among the Eastern Catholic Churches, there are also Metropolitan Churches, governed by a metropolitan who is assisted by a council of hierarchs, all of whom are appointed by the Roman Pontiff and whose legislative actions require a form of approval by the Roman Pontiff.<sup>59</sup> Lastly, there are eparchies that enjoy *sui iuris* status that are directly subject to the Apostolic See with a limited degree of self-governing authority.<sup>60</sup>

A tripartite ecclesial model emerges both from the perspective of hierarchy:

1. Supreme authority – Roman Pontiff and College of Bishops
2. Patriarch / major archbishop / metropolitan or a title to be determined for the Latin Church
3. Eparchial / Diocesan Bishop or their canonical equivalents.

And from an ecclesial perspective:

1. Universal Church
2. Church *sui iuris*
3. Particular Church

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<sup>55</sup> *CIC* cc. 431-459.

<sup>56</sup> *CCEO* c. 27.

<sup>57</sup> *CCEO* Title IV (cc. 55-150).

<sup>58</sup> *CCEO* Title V (cc. 151-154)

<sup>59</sup> *CCEO* Title V, Chapter I, Metropolitan Churches *sui iuris* (cc. 155-173).

<sup>60</sup> *CCEO* Title V, Chapter II, Other Churches *sui iuris* (cc. 174-176).

These paradigms provide an accurate appreciation of the three levels of authority and an accurate appreciation of the communion of the Catholic Church at three levels.

Father George Nedungatt gave me the kernel of the notion of a tripartite ecclesial model "to chew on" for my doctoral thesis. It has taken me four decades to formulate what I consider to be a satisfactory argument. (I am sure that he would still take issue with many of the points and most probably rightfully so.) However, now that he returned to the Father, Father Nedungatt is not concerned with such things as ecclesiology and canon law, but with the Eternal Truth. Our loving and grateful prayers are with him.