

ASCRPTION AND GOVERNMENT OF A DEPENDENT MONASTERY, A HOUSE OR A PROVINCE OF A RELIGIOUS INSTITUTE ASCRIBED TO ANOTHER CHURCH *SUI IURIS* (CCEO C. 432)

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Abstract

CCEO c. 432 defines the juridical figure of a dependent monastery, a house or a province of a religious institute ascribed to another Church *sui iuris*. These are the only exceptions in CCEO, according to which a religious institute can admit candidates from another Church *sui iuris* without the prior permission of the Holy See.

The ascription of a religious institute is distinct from its canonical erection. Nevertheless, the former is mostly accomplished *ipso facto* through the latter. So too, the ascription of a house or province to another Church *sui iuris* is not the same as erecting a house of an institute in an eparchy. When it is a question of a dependent monastery, a house, or a province of an institute to be ascribed to another Church *sui iuris*, according to canon 432 of CCEO the involvement of the Holy See is necessary. So, the authorities competent, according to the typicon or statutes, to erect a dependent monastery, a house, or a province effect this ascription with the approval of the Holy See.

Keywords: Ascription, Erection, Approbation, Governance, Destined

Introduction

CCEO canon 432 defines the juridical figure of a dependent monastery, a house or a province of a religious institute ascribed to another Church *sui iuris*. These are the only exceptions in CCEO, according to which a religious institute can admit candidates from another Church *sui iuris* without the prior permission of the Holy See.¹

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This canon provides for a house or province of a religious institute to become ascribed to another Church *sui iuris*. Here we describe the juridical implications of such an ascription. It is not an obligatory law or a strong recommendation as in *Orientalium Ecclesiarum* 6.² So are religious institutes with members of another Church *sui iuris* obliged to have such a dependent monastery, a house or a province? What are the juridical implications of such an ascription?

1. Legislation Preceding CCEO on Interecclesial Presence in Religious Institutes

In the first centuries, we have examples of religious institutes where faithful of different Churches *sui iuris* lived together and practiced their own rites. For example, in the first half of the seventh century, in monasteries in Rome of Renati, Tre Fontane, and S. Saba of Aventino, members of different Churches lived together.³ There are many other examples for such interecclesial presence of religious in the same institute.⁴ There was no question of transferring the rite. "Rites still

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¹ CCEO cc. 451, 517 § 2: Both the canons are identical which reads: "No one can be admitted licitly to the novitiate of a monastery of another Church *sui iuris* without the permission of the Apostolic See unless it concerns a candidate who is destined for a dependent monastery, mentioned in can. 432, of his or her own Church."

² OE 6: "It is strongly recommended to religious institutes and associations of the Latin rite, which are working in the Eastern regions or among the Eastern faithful, that in view of greater apostolic efficiency, they establish houses or even provinces of the Eastern rite."

³ F. Antonelli, "I primi monasteri di monaci Orientali in Roma, *Rivista di Archeologia Cristiana* 5 (1928), pp. 118-121.

⁴ Migne, PL, CXXIX, 1257-1259; F. Antonelli, "I primi monasteri di monaci orientali in Roma," *Rivista di Archeologia Cristiana* 5 (1928) 105-121; Basset, *The Determination of Rite*, (Analecta Gregoriana 157), Rome: Gregorian University Press, 1967, p. 17; G. Nedungatt, *The Spirit of the Eastern Code*, Bangalore: Dharmaram Publications, 1993, p. 122; For more details on this interecclesial presence of many other Latin religious institutes in the East, see *Oriente Cattolico - Cenni storici e statistiche*, Città del Vaticano, pp. 561-641, and 707-742; M. Brogi, "Ammissione di candidati di rito orientale in Istituti Religiosi Latini," *Antonianum* 54 (1979) 704.

remained largely a matter of territorial custom, but could have outposts beyond their natural boundaries without check posts of control."⁵

It was a later development that members from another Church *sui iuris* had to lose their ecclesial identity and rite in favour of the rite of the institute. In such interecclesial presence of religious, it happened some times that those Easterners who joined Latin religious institutes were fully absorbed into the Latin rite.⁶ Thus it happened in the past, those who entered the religious institute of another Church *sui iuris* thereby abandoned their own ecclesial tradition and were completely absorbed into the rite of the institute. Therefore, gradually, papal interventions strictly prohibited intermingling or the changing of rites. Naturally, there evolved legislations of the Holy See restricting indiscriminate admissions and transferring of rite.

The situation changed when the Congregation of the Propaganda Fide in 1622 forbade the Ruthenians to pass to the Latin rite,⁷ but this remained ineffective until a later period. Permission to pass from an Eastern rite to the Latin rite was more easily obtainable than permission to pass from the Latin rite to an Eastern rite. Such a situation reflects the mentality of the "unqualified superiority of the Latin rite" that prevailed in the Church since Benedict XIV.⁸

⁵ G. Nedungatt, *The Spirit of the Eastern Code*, p. 122.

⁶ Brogi, "Ammissione di candidati di rito orientale," p. 714: "... Easterners who were made religious in Latin religious institutes were fully assimilated to their Latin confreres;" "L'admission des Orientaux dans les Instituts Religieux d'origine Occidentale," *Stoudion* 3 (1926) 11; F. Antonelli, "I primi monasteri di monaci orientali in Roma," *Rivista di Archeologia* 5 (1928) 106 and 118; *Enciclopedia Cattolica* V, Città del Vaticano, 1950, p. 1719. The institute founded by a Dominican bishop, Bartholomew, for the union of the Armenian Church with Rome adopted the rite of the Dominicans in 1337 while retaining Armenian as the liturgical language.

⁷ Archives of the Propaganda Fide, *Acta* 3 (1622-1625), f. 22.

⁸ G. Nedungatt, *A Guide to the Eastern Code* (Kanonika 10), Rome, PIO, 2002, p. 112; Benedict XIV, *Etsi pastoralis* (26.05.1742) II, xiii, in Coll. Lac., II, 510 and *Allatae sunt* (26.07.1755), *CIC Fontes*, vol. 2, 459. *The Vatican and the Eastern Churches: Papal Encyclicals and Documents Concerning the Eastern Churches*, vol. 1, Fairfax, Eastern Christian Publications, 1996, p. 16: "Since the Latin rite is the rite of the holy Roman Church and this Church is the mother and teacher of the other Churches, the Latin rite should be preferred to all other rites."

Constant legislative interventions from the Holy See, however, effected more changes. Until 1881, Easterners who had entered a Latin religious institute had to pass to the Latin rite, losing their ecclesial identity. After this period, admissions from another Church *sui iuris* were permitted with the condition of retaining and exercising one's own rite.⁹ However, such attempted solutions were not free of problems, and many inconveniences in having two rites in the same house or institute resulted. Understanding the difficulty of this situation, since 1885, Rome started giving general permission for Easterners joining a Latin religious institute to adopt the Latin rite. Accordingly, women religious institutes of the Latin rite were permitted to receive Eastern candidates, and they were conformed to the Latin rite. If they left the institute for any reason, they had to return to their rite of origin. Regarding the congregations of women and brothers, this adoption of the Latin rite was final as long as they remained in the institute, but clerical candidates had to obtain special permission by an individual request.¹⁰ In 1912, the circular from the Congregation of the Propaganda Fide¹¹ revoked the general permission of 1885 to adopt the Latin rite.¹² This norm later became part of the 1917 code. In the previous legislation CIC-1917 c. 542, n 2°

⁹ In the year 1881 Leo XIII granted permission to a Maronite priest to enter the novitiate of the Lazarists with the condition that he return to his own rite after the novitiate, and in 1882 Propaganda Fide gave permission to the Assumptionist Fathers to receive Bulgarian youths with the condition that they retain their rite. See N. Nilles, *Symbolae ad Illustrandam*, p 94 ; "L'Admission des Orientaux," p. 8.

¹⁰ Sacra Congregatio de Propaganda Fide, *Collectanea S. C. de Prop. Fide*, vol. 2, n. 1633 (01.06.1885), 207 : "Si quae alumnae aut aliae puellae ritus orientalis recipiendae sint in Congregationem Religiosam latini ritus, supplicandum SSmo ut ipsae, quin ideo ad ritum latinum transeant, sic receptae in huiusmodi Congregationem, quamdiu in eadem perseveraverint, in omnibus, etiam quoad communionem paschalem, latino ritui sese conformare possint et debeant. Quod si deinceps, quacumque de causa, ad Congregationem pertinere desierint, eo ipso suum ritum orientalem sequi teneantur."

"Si alumni vel alii in Ordinem seu Congregationem Religiosam latini ritus ad statum clericalem sint recipiendi, recurrant ad S. Sedem."

¹¹ The dicastery "pro negotiis ritus Orientalis" was erected by Pius IX through *Romani Pontificis* (06.01.1862) as part of the Congregation de Propaganda Fide.

¹² AAS 4 (1912) 534-535.

and Postquam Apostolicis Litteris¹³ c. 74 § 2, n 6^o¹⁴ made regulations on admissions from another Church *sui iuris*.

In 1925 the Pontifical Commission for the Authentic Interpretation of Legislative Texts, was asked whether Eastern rite faithful could be accepted into Latin religious institute without the said permission required by c. 542, n 2^o if the institute intends to establish a house or province of an Eastern rite, and the candidates preserve their own rite. The Commission responded positively.¹⁵ Thus the obligation to obtain the permission from the Congregation for the Eastern Churches to admit an Easterner to a Latin religious institute was mitigated on the above-mentioned condition. However, it was not clear from the interpretation whether a mere intention to have a house or a province was enough to exclude the recourse to the Sacred Congregation, or whether there should already be such a house. Moreover, the question remained whether an institute having a house in any of the Eastern Church *sui iuris*, can receive candidates from another Eastern Church *sui iuris* also. When such a house is in construction or such a province is in formation, which rite should the candidates who are destined for such a house or a province follow?¹⁶ These things were not clear from the interpretation.

Whatever it may be, having a house merely intended for the future province is not sufficient. It is not sufficient merely to translate all Latin formulas into some Eastern languages; rather, it is necessary to acquire the corresponding formulas of the Eastern rite or to compose something new in its own liturgical style. Some observances which are

¹³ Postquam Apostolicis Litteris, hereafter = PAL

¹⁴ CIC-1917 c. 542, n 2^o: "Illicite, sed valide admittuntur Orientales in latinis religionibus sine venia scripto data Sacrae Congregationis pro Ecclesia Orientali." PAL c. 74 § 2, n 6^o: "Without prejudice to the prescriptions of the statutes of each institute, the following are unlawfully, though validly, admitted: Latins in Oriental institutes or the Orientals themselves in Latin institutes - with the exception of those mentioned in c. 5 - or in Oriental institutes of a different rite, without the written permission of the Sacred Congregation for the Oriental Church."

¹⁵ AAS 17 (1925) 583: D. - An in Religionibus latini ritus sine venia, de qua canon 542, 2^o, licite admitti possint ad novitiatum Orientales, qui, proprio retento ritu, praeparantur ad constituendas domus et provincias religiosas ritus orientalis. R. - Affirmative.

¹⁶ Brogi, "Ammissione di candidati di rito orientale," p. 719.

Western in nature must be replaced by equivalent Eastern observances.¹⁷

In the period before CCEO in religious institutes the mingling or co-existence of two rites in the same institute often occurred and the members admitted from another Church *sui iuris* were fully absorbed into the rite of the institute. At this stage there were no such norms as we have in CCEO c. 432 and the experience proved that this was not the best situation. Therefore, the idea of a separate house or province gradually evolved and necessary ecclesiastical norms were formulated.

2. *Codex Canonum Ecclesiarum Orientalium* c. 432

Canon 432 of CCEO is the juridical provision for a religious institute to have an “ascribed house”¹⁸ to another Church *sui iuris*.

“A dependent monastery, a house or province of a religious institute of any Church *sui iuris*, also of the Latin Church, that with the consent of the Apostolic See is ascribed to another Church *sui iuris*, must observe the law (*ius*) of this latter Church, except for the prescripts of the typicon or statutes that regard the internal governance of the same institute or for the privileges granted by the Apostolic See.”

2.1 Sources of CCEO c. 432

Canon 5 of the previous Eastern legislation is given in the *fontes* as the source of CCEO canon 432. Though not officially listed as the source, OE 6 is also at the origin of this canon.

2.1.1 *Orientalium Ecclesiarum* 6

The decree of the Second Vatican Council on the Catholic Eastern Churches gives the following recommendation:

“It is strongly recommended to religious institutes and associations of the Latin rite, which are working in the Eastern regions or among

¹⁷ “L’Admission des Orientaux,” p. 12.

¹⁸ In fact, all the houses and provinces of a religious institute are ascribed. However, we use the convenient formula, “ascribed house” / “house ascribed” / “part ascribed” etc., for our study in the context of CCEO c. 432, and it includes “the dependent monastery, house or province” of an institute ascribed accordingly.

the Eastern faithful, that in view of greater apostolic efficiency they establish houses or even provinces of the Eastern rite (OE 6)."

The Council is giving a counsel or a strong recommendation in reference to an already existing practice in the Church, and to the positive experience of religious institutes having Eastern rite houses. Greater apostolic efficiency is the motive of this conciliar counsel. The Council does not establish a norm that is obligatory, nor does CCEO. But CCEO does define the juridical figure of an ascribed house or province established according to this conciliar counsel.¹⁹

2.1.2 *Postquam Apostolicis Litteris c. 5*

Canon 74 § 2 of PAL, while dealing with admissions from another Church *sui iuris*, insists on the written permission of the Congregation for the Eastern Church and refers to canon 5 as an exception to the regulative norm.²⁰

The above canon permits the admission of Easterners to the Latin institutes, and between various Eastern rites without the written permission of the Congregation for the Eastern Churches. PAL norm derogates from the decision of the authentic interpretation of 1925, i.e., to admit candidates of Eastern Churches, without the consent of the Holy See, the institute must have a house or province ascribed to an Eastern rite. However, the PAL norm does not specify whether or not the rite of the ascribed house should correspond to the rite of the candidate.

PAL c. 5 is specifically addressed to the Latin religious institutes that have an Eastern rite house or province, which should be governed by the Eastern discipline. Regarding matters of internal government, the statutes of the institute are to be followed. Thus, it enables those Eastern houses or provinces to retain the same spirit, apostolate, and

¹⁹ Nedungatt, *The Spirit*, pp. 117-118.

²⁰ AAS 44 (1952) 68: PAL 5 § 1. Houses of institutes of the Latin rite which, with the approval of the Apostolic See, are attached to an Eastern rite must observe the prescriptions established by this law, save for the prescriptions of statutes which refer to the internal government of the institute, and save for the privileges granted to the institute by the Apostolic see.

§ 2. An Oriental Rite institute which, with the consent of the Apostolic See, has houses and provinces of a different Oriental Rite, depends in respect to the government upon that ecclesiastical Oriental Rite hierarchy to which it was assigned by the Apostolic See.

mode of life as that of the Latin part of the institute. Since the statutes are equally observed, it helps to maintain the unity of the institute.²¹

2.2 Codification of CCEO c. 432

Title XII of CCEO, “Monks and Other Religious as well as Members of Other Institutes of Consecrated Life,” is the result of long years of study and evaluation of the fifth study group of PCCICOR and the special study group of experts instituted for this purpose.²² The canon, which eventually became c. 432 of CCEO appears in the schema published in *Nuntia* 11 (1980) 3-53.²³

The schema was sent for expert study and observations. After considering all the proposals, the canon was reformulated and published in *Nuntia* 16 (1983).²⁴ In the «Schema Codicis Iuris Canonici Orientalis» (SCICO), published in 1987, both paragraphs were combined into one.²⁵

²¹ For a detailed study on PAL c. 5 § 1 see C. Pujol, “Regimen domus Orientalibus Ritus in Religione Latina,” *Periodica De Re Canonica* 50 (1961) 137-159.

²² *Nuntia* 3 (1976) 18; 13(1981) 122; 15 (1982) 98.

²³ *Nuntia* 11 (1980) 21: c. 21 § 1. Houses and provinces of Religions of Latin rite which have been ascribed to an Oriental rite with the approval of the Apostolic See, must observe its *ius*, except for the prescripts of the statutes which regard the internal governance of the Religion.

§ 2. A Monastery, Order or Congregation of an Oriental rite which, with the consent of the Apostolic See, has houses and provinces of a different Oriental rite, depends for what pertains to governance upon that ecclesiastical Hierarchy which the same Apostolic See shall designate.

²⁴ *Nuntia* 16 (1983) 26: c. 20 § 1. Houses and provinces of a religious institute of Latin rite, which have been ascribed to an Oriental rite with the approval of the Apostolic See, must observe its *ius*, except for the prescripts of the statutes which regard the internal governance of the same institute, and for the privileges granted by the Apostolic See.

§ 2. A Monastery, Order, or Congregation of an Oriental rite which, with the consent of the Apostolic See, has houses and provinces of a different rite, depends for what pertains to external governance upon that ecclesiastical Hierarchy which the same Apostolic See shall designate.

²⁵ *Nuntia* 24-25 (1987) 82, SCICO c. 430: A dependent monastery, house or province of a religious institute of any Church *sui iuris*, even Latin, that with the consent of the Apostolic See is ascribed to another Church *sui iuris*, must observe the *ius* of this latter Church, except for the prescripts of the typicon

In the editorial amendments made to the SCICO the term "Ecclesiae" was added to "latinae."²⁶ With this final modification, it was published as canon 432 of CCEO.

"Monasterium dependens, domus vel provincia instituti religiosi cuiusvis Ecclesiae sui iuris, etiam Ecclesiae latinae, quod de consensu Sedis Apostolicae alii Ecclesiae sui iuris ascribitur, ius huius Ecclesiae servare debet salvis praescriptis typici vel statutorum, quae internum regimen eiusdem instituti respiciunt, et privilegiis a Sede Apostolica concessis."

CCEO norms clarify that the dependent monastery, house, or province ascribed should correspond to the Church *sui iuris* of the candidate who is to be admitted (CCEO cc. 451, 517 § 2). Thus, it regulates the indiscriminate admission of candidates from any Church for the reason of having a part of it ascribed to another Church *sui iuris*, which was possible according to the previous legislation.

3. Ascription of a Part of a Religious Institute to Another Church Sui Iuris

Canon 432 of CCEO speaks about the possibility of a religious institute having a house or province ascribed to another Church *sui iuris*. Now let us discuss the various implications of this ascription of a part of a religious institute to another Church *sui iuris*.

3.1 The Procedure of Ascription According to CCEO c. 432

The term ascription derives from the Latin term *adscribere* or *ascribere* means to enlist or enroll as a member in a group or category. The term ascription is used 80 times in 56 canons in CCEO. It is used throughout CCEO in relation to physical as well as juridical persons. It is used to signify the enrollment of a Christian faithful to a Church *sui iuris*,²⁷ to denote the enrollment of a cleric *as a cleric* to an eparchy,²⁸ an institute,²⁹ a society, or an association,³⁰ and also to regard

or statutes that regard the internal governance of the same institute and for the privileges granted by the Apostolic See.

²⁶ *Nuntia* 27 (1988) 49.

²⁷ CCEO c. 29

²⁸ CCEO c. 358

²⁹ CCEO c. 428

³⁰ CCEO cc. 560 § 2; 579

membership in an association.³¹ It is also used to mean the ascription of a part of a religious institute to another Church *sui iuris*.³²

It is applied in the Church to physical as well as to juridic persons. The ascription of a part of a religious institute to another Church *sui iuris* is normally accomplished *ipso facto* through canonical erection, but it is not equivalent to the latter.³³ It is also different from canonical erection and approbation of the institute as such. Through its erection and approbation, a religious institute becomes a canonical entity and becomes “ascribed” to a Church *sui iuris* with the corresponding responsibilities.³⁴ This particular ascription is a provision for a part of a religious institute to be ascribed to another Church *sui iuris*. CCEO c. 432, which contains this provision, is the result of the Church's legislative experiences throughout the centuries. Eventually, it became part of previous Eastern legislation (PAL c. 5), which was further improved and promulgated in the present Eastern Code. The ascription mentioned in CCEO c. 432 is to be carried out with the consent of the Holy See and it is actualized through an act of the competent authorities of the institute.

3.2 Competent Authority for Ascription According to CCEO c. 432

Who is the competent authority to effect this ascription? For the valid erection of a dependent monastery, the written consent of the authorities of a monastery *sui iuris* and of the eparchial bishop is necessary (CCEO c. 436 § 2). The authority determined by the statutes of the order or congregation is the one who is competent to divide the order or congregation into provinces, modify the boundaries or create new ones (CCEO c. 508 § 2). The written consent of the eparchial bishop is necessary for the erection of a house of an order or congregation. If it is the first such house of an order or congregation of patriarchal law, the consent of the patriarch is required within the territory of the patriarchal Church (Major Archiepiscopal Church – Major Archbishop); and in other cases, the consent of the Holy See is required (CCEO c. 509). The authorities who are competent to erect a dependent monastery, a house or a province can also effect this

³¹ CCEO c. 576 § 1

³² CCEO c. 432; Nedungatt, *A Guide*, p. 280.

³³ Nedungatt, *The Spirit*, p. 120.

³⁴ Nedungatt, *The Spirit*, p. 119: “Religious institutes, just like each one of the Catholic faithful, belong to some [Church *sui iuris*], whether Latin or Oriental: they are “ascribed” to one of these Churches.”

ascription to another Church *sui iuris*.³⁵ Along with the act of those mentioned above, the consent of the Holy See is also necessary for this ascription, as is specified in the canon (CCEO c. 432).

For all the matters which are proper to the Eastern Churches and which are to be referred to the Holy See, the Congregation for the Eastern Churches is competent. In matters that also affect the faithful of the Latin Church, the Congregation will proceed in consultation with the dicastery that has competence in the same matter for the faithful of the Latin Church. With regard to the erection of religious institutes in the Latin Church, the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life is competent.³⁶ For the ascription of a house or province of an Eastern rite religious institute to another Eastern Church or of a Latin rite religious institute to an Eastern Church, therefore, the Congregation for the Eastern Churches is competent. So too, for the ascription of a house or province of an Eastern religious institute to the Latin Church, the Congregation for the Eastern Churches is competent in consultation with the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life. To sum up, according to the typicon or statutes, the authorities competent to erect a dependent monastery, a house, or a province effect this ascription with the approval of the Holy See.

4. Effects of Ascription According to CCEO c. 432

The most important effect of the ascription of a part of a religious institute to another Church *sui iuris* is that the part ascribed becomes subject to the *ius* of that Church without losing the intrinsic nature and scope of the institute. In order to attain this purpose, canon 432 of CCEO has made a distinction between external and internal governance. After the ascription, the part of the institute is subject to

³⁵ Nedungatt, *The Spirit*, 133, note 20: "The competent authority could be the superior general for the ascription of the province as well as the house; or the superior general for the ascription of the provinces, and the provincial for that of the house. If it is question of the ascription of the first house, the provincial may not act without the consent of the general and his-her council. The general, too, normally would need the consent of his-her council; as specified in the statutes, at least for the first house and for the first and subsequent provinces."

³⁶ John Paul II, PB arts. 58 and 106 § 1, AAS 80 (1988) 875 and 887.

the *ius* of the Church to which it is ascribed. This ascription is followed by subsequent juridical effects.³⁷

4.1 The Norms Governing the Part of the Institute That Has Been Ascribed

The first part of canon 432 of CCEO contains the general norm that the ascribed house or province is subject to the *ius* of that Church *sui iuris* to which it is ascribed. The term *ius* includes not only the sum total of *leges* but also customs, statutes, decrees, precepts, instructions, regulations, etc. *Ius* has a wider connotation than *lex*, but unlike other European languages, both are translated as “law” in English. Hence “law” is ambiguous.³⁸ CCEO c. 432 insists that the ascribed house of the religious institute must observe the *ius* of the Church to which it is ascribed. Therefore, when a house or province of a Latin religious institute is ascribed to an Eastern Church *sui iuris*, the ascribed part is subject to CCEO, which is the common code for the Eastern Catholic Churches, and also to the particular law – *ius particulare* not *lex particularis* – proper to that Church *sui iuris*. As we have mentioned above, *ius* has a wider connotation, and so the customs, statutes, decrees, precepts, instructions, and regulations of the same Church are also applicable to the situation. This subjection to the *ius* of the Church, to which the institute is ascribed, therefore, means much more than merely following the liturgy of that *sui iuris* Church.

4.2 External Governance of the Part of the Institute That Has Been Ascribed

Religious institutes are juridic persons in the Church endowed with corresponding rights and obligations. Like any other physical or juridic persons, they are subject to the *ius* and to the ecclesiastical authorities of the Church (CCEO cc. 423; 920). External governance of a religious institute includes such matters as the erection and suppression of a religious house, hierarchical vigilance, visitation of the house, confirmation of the dismissal of a perpetually professed religious, etc., in which the consent or permission of the hierarchy is

³⁷ Pujol, “Regimen domus Orientalis,” p. 139.

³⁸ Nedungatt, *The Spirit*, p. 202: “In English, “law” stands for both *ius* and *lex*. This does not make for clarity. In Latin *ius* comprehends not only the sum total of *laws* (*leges*, plural of *lex*) but also customs, statutes, decrees, precepts, instructions, regulations, etc. This wide connotation of *ius* comes from Roman law. In short, *ius* is wider in intention or connotation than *lex*. The two can be related as part and whole, or again as species and genus.”

necessary by law, as well as those things in which the religious depend on the ecclesiastical authorities.³⁹ In those matters of external governance, the ascribed house of an institute is subject to the *ius* and thus to the hierarchy of that Church to which it is ascribed, and not to the *ius* and hierarchy of the Church to which the institute is ascribed. If an ascribed house of a Latin religious institute is ascribed to an Eastern Church or vice versa, it implies subjection to a hierarchy and to a Code other than those to which the institute is subject. Hence it demands our attention.

The Eastern Code classifies religious institutes as belonging to pontifical, patriarchal, and eparchial law based on the juridical condition and the hierarchical authority they are subject. Canons 412-417 of title XII of CCEO deals with this dependence of religious on various hierarchical authorities. Religious institutes of pontifical law are subject immediately and exclusively to the Holy See, unless the law provides otherwise in certain matters. If they are of patriarchal or eparchial law, they are immediately subject to the patriarch or eparchial bishop, respectively (CCEO c. 413). The patriarch and the eparchial bishop are not, however, their internal superior (CCEO 418 § 2).⁴⁰

4.3 Ascription According to CCEO c. 432 and Two Exceptions

The study group of PCCICOR for the formulation of canons on monks and other religious was attentive from the very beginning to accommodate the proper nature of the charismatic aspect of religious life rooted in the call of the Holy Spirit and its various manifestations. The group observed that various religious institutes of the Catholic East, which revised their constitutions in the light of the very minute determinations of the previous Eastern law, had attained uniformity but sometimes lost their identity and the charisms of their foundations. The religious life, as noted in *Lumen gentium*, belongs to the mystical aspect of the Church, and the ecclesiastical hierarchy has the right and duty to discern and regulate the religious life, while respecting the nature and various demonstrations of it, and without making it conform to the common and detailed laws. The study

³⁹ Nedungatt, *The Spirit*, p. 121, Pujol, "Regimen domus Orientalis," p. 143.

⁴⁰ For a more general discussion about the dependence of religious on the hierarchy see V. Koluthara, "The Role of an Eparchial Bishop in Relation to Religious of the Syro-Malabar Church," in: F. Eluvathingal, ed., *Syro-Malabar Church Since the Eastern Code*, Rome, Mar Thoma Yogam, 2002, pp. 160-191.

group for the formulation of canons on monks and other religious took as a directive principle of their work the limitation of the common law of all institutes to the most necessary, leaving ample space for the particular law.⁴¹ The goal was to allow each institute to protect its proper identity and its specific charism.

The same principle is to be applied to a house or province of an institute ascribed to another Church *sui iuris*. The Church does not want religious institutes to lose their identity and specific nature at the expense of the ascription of its part to another Church *sui iuris*. The new Eastern code, therefore, enables an institute to preserve the unity in its purpose and administration even if a part of it is ascribed to another Church. Hence the second part of canon 432 of CCEO allows two exceptions which ensure the observance of the typicon and statutes of the institute in all the houses without any distinction between the institute and the ascribed part.⁴² The second exception is that the ascribed house does not lose any of the privileges granted to the institute by the Holy See.

4.3.1. Internal Governance of the Ascribed Part

Internal governance signifies the internal organization and direction of those acts necessary to attain the institute's particular aim. It includes admission of candidates, formation, and admission to profession, dismissal, election or nomination of the superior, convocation and conduct of chapters, amendment of statutes, particular charisms and the mode of life of the institute, etc.⁴³ In all these matters, the part of the institute ascribed according to canon 432 of CCEO is governed by the typicon or statutes of the institute.⁴⁴ It is an exception given in the canon, and thus the typicon or statutes are equally applicable to all the houses or provinces of the institute. This exception allows the institute and the part of it ascribed to another Church *sui iuris* to have uniformity regarding internal administration, although, in matters of external governance, it is subject to a different *ius* than that to which the institute is subject.

⁴¹ T. Minisci, "I Canoni *De Monachis*," *Nuntia* 4 (1977) 3.

⁴² Pujol, "Regimen domus Orientalis," p. 143.

⁴³ Pujol, "Regimen domus Orientalis," p. 144; Nedungatt, *The Spirit*, p. 121.

⁴⁴ A. Coussa, *Epitome praelectionum de Iure Ecclesiastico Orientali*, vol. 2, 1954, 40; Pujol, "Regimen domus Orientalis," p. 141.

4.3.2. Privileges

The second exception to the general norm of CCEO c. 432 ensures that the institute ascribed to another Church *sui iuris* does not lose the privileges granted to the institute by the Holy See. This exception safeguards the first, which allows uniformity in the administration of the institute, by maintaining all the houses of the institute equal in status by maintaining the privileges given to it in order to reach its proper end more efficaciously and easily.

A privilege is a favor given to physical or juridic persons by the legislator or by the one to whom the legislator has given this power, and it is presumed to be perpetual (CCEO cc. 1531, 1532). Privileges could be those common to all religious, particular to a religious institute which is granted to them through the approved constitutions or special concessions to the institute, province, or house.⁴⁵ Reference to the special laws for religious as "privileges of religious" as stated in the previous legislation (CIC-1917 cc. 613-625; PAL cc. 160-174) is removed in the new legislation since this provision was considered obsolete, but some of them survive as rights or obligations.⁴⁶ In the canonical tradition, however, the exemption was classified as a privilege. According to the teaching of the Second Vatican Council, the exemption is granted to religious institutes for the good of the universal Church, but principally for the internal good of the institute (CD 35, 3).⁴⁷ Privilege is essentially a favor given for the good of the beneficiary and not for the good of others.⁴⁸ An ascribed house or a province of a religious institute in no way loses the particular or special privileges granted to that institute by the Holy See.

5. Destined and Ascribed

The exceptional clause of canons 451 and 517 § 2 of CCEO, which allows admissions from another Church *sui iuris* without the prior

⁴⁵ Nedungatt, *The Spirit*, p. 122.

⁴⁶ Communicationes 5 (1973) 56. Nedungatt, *The Spirit*, p. 134 note 25; Alan McCormack, *The Term «Privilege» A Textual Study of its Meaning and Use in the 1983 Code of Canon Law*, Rome, 1997, p. 141.

⁴⁷ "The privilege of exemption whereby religious are reserved to the control of the Supreme Pontiff, [...] relates primarily to the internal organization of their institutes. [...] The privilege ensures also that the Supreme Pontiff may employ these religious for the good of the universal Church, [...]."

⁴⁸ McCormack, *The Term «Privilege» A Textual Study*, p.135.

permission of the Holy See, requires that the candidate should be destined for a dependent monastery, a house or a province of the institute ascribed to his or her own Church. What does this destination of the candidate mean? *Nuntia* 16 p. 81 uses the term “ascribed” while speaking of the above-mentioned exception: “unless it is matter of candidates being ascribed to provinces or houses mentioned in can. 20.”⁴⁹ However, when CCEO was promulgated, it was reformulated as, “unless it concerns a candidate who is destined for a dependent monastery, for a province or a house mentioned in 432” (CCEO cc. 451, 571 § 2). Instead of the candidate’s “ascription” to the dependent monastery, province, or house, canon 432 of CCEO speaks of the candidate’s “destination.” To destine is to set apart for a specific purpose or to predetermine. It is to be understood that those candidates admitted into a religious institute from another Church *sui iuris* are destined and not ascribed to the ascribed part of the institute. Their ascription is to the institute as a whole.

This destination, however, is based on the fact that the institute is ascribed according to CCEO c. 432 and also to the candidates’ own Church *sui iuris*. Hence it is presupposed that those members of the ascribed part will have the opportunity to be faithful to the prescriptions of their own Church *sui iuris*. In other words, this destination guarantees those members of the ascribed part of the institute the freedom to be faithful to their own rite and the opportunity to acquire greater knowledge of it. If the institute or the major superior of the institute does not allow this freedom to them, it is a circumvention of the law. To sum up, the members of an ascribed part of an institute, according to CCEO c. 432, retain their ascription to their own Church *sui iuris* and they are ascribed to the religious institute in which they are members, and not the ascribed house. Hence, the members of a house or province ascribed according to CCEO c. 432 are bound by the typicon or statutes of the institute regarding the matters of internal governance. In all other things, they are obliged to follow the *ius* of their own Church *sui iuris* and subject to the *ius* of that Church.

6. The “*Ius*” to which the Ascribed House or Province is Subject

The ascribed house or province of an institute according to canon 432 of CCEO is subject to the *ius* of the Church *sui iuris* to which it is

⁴⁹ *Nuntia* 16 (1983) 81: “... nisi de candidatis provinciis vel domibus de quibus in can. 20 adscribendis agatur.”

ascribed. If this ascription is of part of a Latin institute to an Eastern Church *sui iuris* or vice versa, the *ius* to which this part of the institute is subject is different from the *ius* to which the institute as a whole is subject, since there are two different Codes, namely, CIC and CCEO in the Catholic canonical legislation. It is true that the CIC does not have a parallel canon corresponding to CCEO c. 432. Nevertheless, CCEO c. 432 explicitly includes the Latin Church and is, therefore, applicable to the Latin Church. To what extent does the *ius* of the Church *sui iuris* to which the part of a Latin religious institute is ascribed affect the institute? Canon 41 of CCEO, which also obliges the Latin Church, states:

The Christian faithful of any Church *sui iuris*, even the Latin Church, who by reason of their office, ministry, or function have frequent dealings with the Christian faithful of another Church *sui iuris*, are to have an accurate formation in the knowledge and practice of the rite of the same Church in keeping with the importance of the office, ministry or function they hold.

The obligation mentioned above is applicable to the religious institute as well. Applied to a house or province of a Latin institute ascribed to an Eastern Church, it obliges those members of the institute having frequent dealings with the members of the ascribed house or province according to CCEO c. 432 to receive formation in the knowledge and practice of the rite of the Church *sui iuris* to which its part is ascribed.

Regarding a house or a province of a Latin institute ascribed to the Syro-Malabar Major Archiepiscopal Church,⁵⁰ for example, all those members of that institute, such as the provincial or superior general, who are in constant contact with the SMC members of that ascribed house or province are obliged by CCEO c. 41 to have accurate formation in the knowledge and experience of the rite of the SMC. This knowledge about which the canon speaks includes knowledge about liturgy, theology, spirituality, and discipline because the rite includes all those aspects (CCEO 28 § 1). Moreover, the part ascribed according to CCEO c. 432 is subject to the *ius* of that Church to which it is ascribed regarding all matters other than internal governance and religious discipline. Hence it demands from the part of the major superiors who are in constant contact with the members of the ascribed house or province to have knowledge about the *ius* of the

⁵⁰ Syro-Malabar Major Archiepiscopal Church, hereafter = SMC

Church to which its part is ascribed also because of the differences between CCEO and CIC concerning norms on religious. Therefore, the role of the superior general of a religious institute having an ascribed house or province to another Church *sui iuris*, especially when it is between Latin and Eastern Churches or vice versa, could be compared to that of a hierarchy, to whose care the faithful of another Church *sui iuris* is entrusted.

A Latin bishop to whose care the faithful of an Eastern Church *sui iuris* is entrusted applies CCEO regarding those Eastern faithful under his jurisdiction. So too, a major superior of a Latin religious institute having an ascribed house or province to an Eastern Church *sui iuris* should apply CCEO regarding the external governance of that ascribed part.

7. Ascribed House or Province and the Possible Conflict Between the “*Ius*”

When a Latin religious institute has a house or province ascribed to an Eastern Church *sui iuris* or vice versa, there could be areas of conflict between the *ius* to which the institute and the ascribed part are subject. In the same example of a Latin religious institute with a house or province ascribed to SMC, the institute is subject to CIC, while the ascribed house or province, except in matters of internal governance, is subject to CCEO and to the particular law of SMC. We have already explained in detail those areas of external governance of hierarchical involvement and dependence, including the ascribed house or province. Here we shall consider some more examples.

The maximum period of temporary profession, according to CIC is six years (CIC c. 655), which can be extended to nine years in particular situations (CIC c. 657 § 2). According to CCEO the maximum period is six years (CCEO 526 § 2). CIC c. 686 §1 establishes that the supreme moderators of religious institutes can grant an indult of exclaustation up to three years. The diocesan bishop can grant it for more than three years for institutes of the diocesan rite. Unlike his Latin counterpart, an Eastern eparchial bishop can grant this indult for institutes of eparchial law only up to three years (CCEO c. 489 § 2).⁵¹ Such a conflict

⁵¹ A few detailed comparative studies on the differences between two codes regarding the norms on religious include Abbass, *Two Codes in Comparison* (Kanonika 7), PIO, 1997, pp. 57-90; idem, “Dismissal from Religious Institutes of the Latin and Eastern Catholic Churches,”

is also possible regarding the admission into the novitiate due to the difference between the CCEO and CIC norms on impediments *ad validitatem* and *ad liceitatem*.⁵²

A conflict between the *ius* to which the institute and the part are subject is possible. If it is regarding matters of internal governance and discipline, the *ius* to which the institute subject prevails by virtue of the exception granted by the same canon. Let us consider the same example of a Latin institute having an ascribed house or province in SMC. If the conflict is concerning matters of internal governance, the constitutions which are naturally based on the norms of CIC prevail. When the conflict regards matters of external governance of the ascribed house or province, CCEO has the upper hand. This being an exception established by the canon (CCEO c. 432), is to be interpreted strictly, and in case of doubt, the matter is subject to authentic interpretation from the Holy See.⁵³ As regards internal governance, the ascribed house or province of the institute is just like any other house or province of the same institute, and the typicon or statutes are equally applicable. This prevents the institute from losing the unity of its scope and nature and allows it to maintain uniformity in governance. As for the rite of the ascribed house or province of the institute, the rite of the Church *sui iuris* to which they are ascribed has to be followed. Therefore, the liturgical calendar, sacramental life, the

Commentarium pro Religiosis 78 (1997) 361-392; idem, "Transfer to Another Religious Institute in the Latin and Eastern Catholic Churches," *Commentarium pro Religiosis* 79 (1998) 121-151; idem, "Departure from Religious Institutes in the Latin and Eastern Catholic Churches," *Studia Canonica* 32 (1998) 97-128.

⁵² Abbass, "The Admission of Eastern Catholics," p. 308: "One of these impediments invalidates admission to the novitiate of those who have been punished with canonical penalties while the other stipulates that those who risk a serious penalty because of an offense for which they have been lawfully accused cannot be validly admitted to the novitiate. On the other hand, CIC c. 643, § 1, n 5° prescribes an invalidating impediment which is unique to the Latin Code. That impediment affects those who have concealed their incorporation in any other institutes of consecrated life or society of apostolic life. While reference could be made to other significant differences between CCEO c. 450 and CIC c. 643, suffice it to say that determining which list of impediments applies to the Eastern candidate seeking admission to a Latin rite novitiate raises a legitimate question." For a detailed study on this see idem, *Two Codes in Comparison*, pp. 55-90.

⁵³ Nedungatt, *The Spirit*, p. 121.

liturgy of the hours, feasts, fasts, abstinence, etc., of the same Church are to be followed by the ascribed house or province of the institute.⁵⁴

8. A Particular Law for the Ascribed House or Province

The exception of canon 432 of CCEO allows equal application of the typicon or statutes even regarding the ascribed house or province. This helps the institute to maintain unity in internal governance and discipline. However, regarding matters of external governance, there are possible conflicts. A solution for this may be to have a particular law applicable to the ascribed part of the institute regarding its external governance in accordance with the *ius* of the Church *sui iuris* to which the part is ascribed.⁵⁵ Therefore, when a Latin religious institutes has an ascribed house or province in an Eastern Church or vice versa, if the typicon or statutes of the said institute does not have such a provision for a particular law, it may be desirable to amend it so that it includes this provision.

9. Ascribed House or Province and Admissions from Another Church *Sui Iuris*

A religious institute having a part ascribed to another Church *sui iuris* does not require that the ascribed house or province can have members only from that Church *sui iuris* to which it is ascribed. This ascription does not exclude the possibility of receiving candidates from another Church *sui iuris*.⁵⁶ This situation is comparable to that of the institute before having an ascribed house or province according to CCEO c. 432. Accordingly, admission from another Church *sui*

⁵⁴ Pujol, "Regimen domus Orientalis," p. 158; Nedungatt, *The Spirit*, p. 133 note 22: "Whether the liturgy of the hours (Divine Office) is to be celebrated in choir or not will depend on the statutes of the institute."

⁵⁵ The *Constitutions of the Order of Canons Regular of Prémontré* (Norbertines) gives provision for a "Customary law" for each *sui iuris* house of the order (nn. 105, 8; 118, 4; 325).

⁵⁶ Nedungatt, *The Spirit*, p. 120: "Ascription of a house or province to an Oriental [Ecclesia *sui iuris*] does not mean reservation of its membership to Orientals: its members can be Orientals or Latins, even as it was before ascription. Just as in a house or province ascribed to the Latin Church both Latins and Orientals can be members without prejudice to their rite, so too after its transfer of ascription to an Oriental [Ecclesia *sui iuris*] Latins can continue to be members along with Orientals without prejudice to the Latin rite. The equality of rites obtains here fully [...] In other words, an oriental province is not one in which the membership is one hundred per cent Oriental – just as a Latin province is not one with only Latin members."

iuris is possible only with the permission of the Holy See, and thus canons 451 and 571 § 2 of CCEO are applicable. To admit candidates from another Church *sui iuris* without the prior permission of the Holy See, the same procedure of canon 432 of CCEO is to be followed.

10. Permission to Erect a House and to Have It Ascribed

The ascription of a religious institute is distinct from its canonical erection. Nevertheless, the former is mostly accomplished *ipso facto* through the latter.⁵⁷ So too, the ascription of a house or province to another Church *sui iuris* is not the same as erecting a house of an institute in an eparchy. For the erection of a religious house, the written permission of the eparch is required and if it is the first house of a patriarchal law institute, the consent of the patriarch (CCEO cc.436 § 2, 509). When it is a question of a dependent monastery, a house, or a province of an institute to be ascribed to another Church *sui iuris*, according to canon 432 of CCEO the involvement of the Holy See is necessary. Therefore, no individual bishop is competent to permit this ascription.

11. Institute of an Eastern Church and Ascribed House or Province

According to CCEO c. 432, an ascription of a house or province is possible not only between a Latin institute and an Eastern Church as in the previous legislation (PAL c. 5, OE 6) but also between an Eastern institute and the Latin Church. The previous legislation was addressed to the Latin Church alone. Canon 432 of CCEO opens up this possibility of the ascription of houses and provinces also to institutes of Eastern origin. Hence, this canon is addressed equally to all the Churches in the Catholic communion and thus has a universal nature.⁵⁸ Let us consider the example of the Carmelites of Mary Immaculate, a congregation of Syro-Malabar origin. This congregation has houses and provinces in India and abroad outside the territorial boundaries of SMC. They also receive vocations from those places. Hence in the future, there can be houses and even provinces of this institute ascribed to the Latin Church. This is the case also with some other religious institutes of Syro-Malabar origin. In some cases, the Syro-Malabar branch has even outgrown the Latin trunk.

⁵⁷ Nedungatt, *The Spirit*, p. 120.

⁵⁸ Nedungatt, *The Spirit*, p. 119

Conclusion

Canon 432 of CCEO defines the juridical figure of a dependent monastery, a house, or a province of a religious institute ascribed to another Church *sui iuris*. This is the exceptional norm which allows a religious institute to receive candidates from another Church *sui iuris* without the permission of the Holy See.

According to previous Eastern legislation, Latin religious institutes having houses ascribed to an Eastern rite could receive candidates from the Eastern Churches (PAL c. 5 §1). Here it was not clear whether or not an institute having a house in any of the Eastern Churches would be permitted to receive candidates from any other Eastern Churches. *Orientalium Ecclesiarum* 6, referring to the already existing practices in the Church and positive experiences, strongly recommends that religious institutes of Latin rite working among Eastern regions have houses or provinces of the Eastern rite. The new Eastern code promulgated in 1990 canonized this council recommendation and thus also clarified the doubts which existed during the preceding legislations. In CCEO 432 we read:

A dependent monastery, a house or province of a religious institute of any Church *sui iuris*, also of the Latin Church, that with the consent of the Apostolic See is ascribed to another Church *sui iuris*, must observe the law (*ius*) of this latter Church, except for the prescripts of the typicon or statutes that regard the internal governance of the same institute or for the privileges granted by the Apostolic See.

Our study focused on the above quoted canon, and we sum up the following conclusions.

1. This canon has a universal character because, while the preceding legislations and exhortations were all addressed to the Latin rite, this canon includes all *sui iuris* Churches, Eastern and Latin.
2. According to this canon, a religious institute of Latin rite can have house or province ascribed to any one of the Eastern Churches or vice versa; and an Eastern institute can have a house or province ascribed to any other Eastern Catholic Church.
3. Rather than a mere intention, there should be actually existing a dependent monastery, a house, or a province ascribed to another

Church *sui iuris*, in order to admit candidates from that Church *sui iuris*; moreover, that dependent monastery, house or province should also correspond to the Church *sui iuris* of the candidate.

4. The ascription mentioned in this canon is a juridical act that has to be done with the consent of the Holy See. Suppose the ascription is of a house or a province of a Latin religious institute to an Eastern Church or of an Eastern institute to another Eastern Church. In that case, this is done through the Congregation for the Eastern Churches. If the ascription is regarding the house or province of an Eastern institute to the Latin Church, the Congregation for the Eastern Churches proceeds in consultation with the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life in permitting it.
5. The competent authority to initiate this ascription is the one who has the competence to erect a dependent monastery, a house, or a province according to the typicon or statutes.
6. Ascription of a part of an institute to another Church *sui iuris* is different from erecting a dependent monastery or a house of the institute in an eparchy, which the eparch can permit. Ascription, according to CCEO c. 432 needs the consent of the Holy See, and so no individual eparchial bishop has the competence to permit the same.
7. Regarding religious discipline and internal governance, the dependent monastery, house, or province ascribed to another Church *sui iuris* is just like any other monastery, house, or province of the same institute, and the typicon or statutes of the institute are equally applicable.
8. In matters of external governance, the part ascribed is subject (where by law there is a subjection) to the hierarchy of the Church *sui iuris* to which it is ascribed and is governed by the *ius* of that Church *sui iuris*. The *ius* includes the customs, statutes, decrees, precepts, instructions, and regulations of that Church *sui iuris*.
9. The rite which is to be followed in the part of the institute ascribed to another Church *sui iuris* according to CCEO c. 432 is the rite of the Church *sui iuris* to which it is ascribed.

10. Membership is not the criterion of this ascription. This ascription does not exclude the possibility of having members of another Church *sui iuris*.
11. The two exceptions allowed by CCEO c. 432 permit the institute and the ascribed part to preserve unity in its purpose and administration. The general norm allows the ascribed part to be faithful to the prescriptions of their own Church.
12. In the religious institute having a part ascribed to another Church *sui iuris*, those members who are in constant contact with the members of that ascribed part, have the obligation to know and to be formed in the rite of the Church *sui iuris* to which that part of the institute is ascribed.
13. From the present practice of the Holy See in granting biritual faculty, it is to be understood that a clerical member of a dependent monastery, house, or province of a religious institute ascribed to another Church *sui iuris*, is biritual for the rite of the institute at least in the context of its internal governance, provided he has necessary formation in the knowledge and practice of that rite.⁵⁹
14. In case of a possible conflict between the *ius*, if the conflict is regarding matters of internal governance, the *ius* of the Church to which the institute is subject prevails because of the privilege granted; and if it is regarding matters of external governance of the ascribed part, the *ius* of the Church to which the part ascribed, prevails.

It is true that none of the CCEO canons directly obliges any religious institute receiving vocations from another Church *sui iuris* to have a dependent monastery, house, or province ascribed to that Church, and in CIC there is no canon to this effect. The Church, by all means, wants to protect the various ecclesial traditions and rites in the Church since they are the heritage of the whole Church; and therefore, she insists that no Christian faithful should lose the ascription to his or her own Church *sui iuris* in any circumstance. However, many religious

⁵⁹ For example, we can reasonably assume that an Eastern clerical religious of a Latin religious institute which is ascribed to his Church, does not need any extra biritual faculty to con-celebrate or to celebrate the Liturgy in the rite of the institute when he is in the Latin part of that institute for a chapter or like matters.

institutes, especially institutes of Latin origin, look to the East for vocations, for its vitality and missionary activities; and at the same time, every Christian faithful has the freedom to follow any form of spiritual life in accord with the teaching of the Church. When we consider all these, CCEO canon 432 offers the balanced solution, because it equally addresses all the above situations. This canon has taken shape gradually through the centuries from the legislative experience of the Church which she found useful and fruitful. It permits the institute having an ascribed part to another Church *sui iuris* not to lose its charism and identity and at the same time, it gives the members of the ascribed part a situation conducive to remaining faithful to the rite of their own Church. So canon 432 of CCEO combines the Church's desire to preserve the heritage of each Church *sui iuris*, and at the same time safeguard the freedom of every Christian faithful to follow the form of the spiritual life of his or her own choice. Therefore, it is very much relevant and highly important for a religious institute which is looking for or already has a good number of members from another Church *sui iuris* to have house or province ascribed to that Church according to CCEO canon 432.

In short, a religious institute, through its erection and approbation, is a juridical person in a certain Church *sui iuris* and, whether Eastern or Latin, it has the possibility to ascribe a part of it to another Church *sui iuris* according to CCEO canon 432.