

# THE OBLIGATORY DAYS OF FEAST AND PENANCE IN CCEO AND THE RIGHT OF A PARTICULAR CHURCH *SUI IURIS* TO SAFEGUARD ITS PATRIMONY

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## Abstract

Feast days and days of penance that exist in the Church have theological, liturgical, and canonical aspects. Considering the laws on obligatory days in the Eastern Code, we have to keep in mind that there are common and particular aspects of observation practices in Eastern Churches *sui iuris*. As a common law for all the Oriental Churches, the Code of Eastern Churches has recognized the patrimony of each Churches *sui iuris*. The Oriental Code also establishes the norms on feast days and days of penance in the matter of common discipline for all the Eastern Churches. Sacred times of the Church, such as Sundays, feast days, and days of penance, are the common manifestations of the faith in the Church. These days the community of the faithful is coming together to celebrate the mystery of salvation with the aim of foretasting the heavenly joy. Thus, the common and particular norm for the sacred time is essential for all Churches *sui iuris*.

**Key Words:** Sacred Time, Common Law, Particular Law, Competent Authority to establish, suppress and dispense, Obligation of faithful

## Introduction

The Church is the sacrament of Christ in this world. Through the Church, people living on the earth experience the redemptive mystery of Jesus Christ. The Church flourished after the Pentecostal event, established in different parts of the world through the works of the Apostles and their successors. Faith has been generated in the

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midst of different cultures, different Apostolic traditions, and the diversity of the personal experience of each person. Catholic Church is the communion of 24 individual Churches. Stemming from a geographical and historical purview, the Catholic Church has dual dimensions of West and East in its theological and liturgical perspectives. But at the same time, all the Churches in the Catholic communion are united in the matters of faith, sacraments, and hierarchical fellowship. In the case of canonical discipline, there exists the problem of unity and diversity.

The principle of unity helps the cooperation and coordination of the different organs in one Body. The common Code for the 23 Eastern Churches does not limit the autonomy of Churches *sui iuris*. To help and grow in communion, the Code gave common norms for essential matters that all should obey and gave various possibilities that make the uniqueness not lost. The principle of diversity is applied to the canons related to the issues connected to the Churches *sui iuris* to preserve their traditions and heritage. In this way, they can safeguard their uniqueness. The principle of diversity is upheld with the provision of particular laws. The principle of unity has been recommended in cooperation and collaboration between the Churches *sui iuris*.

Sacred times of the Church, such as Sundays, feast days, and days of penance, are the common manifestations of the faith in the Church. These days, the community of the faithful comes together to celebrate the mystery of salvation to foretaste the heavenly joy. In this regard, the common norm for the sacred time is essential for all Churches. Feast days and days of penance in the Church have theological, liturgical, and canonical aspects.<sup>1</sup> Canon 28 §1 of CCEO, states that rites are a liturgical, theological, spiritual, and disciplinary heritage, distinguished by the culture and circumstances of people's history and uniquely manifested by each Church *sui iuris*.<sup>2</sup> Considering the laws on obligatory days in the Eastern Code, we have to keep in mind that there are common and particular aspects of practices of observation. As a common law for all the Oriental Churches, the common Code has recognized the patrimony of each Churches *sui*

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<sup>1</sup> Dimitrios Salachas, "Preliminary Canons," in John D Faris and Jobe Abbass, eds., *A Practical Commentary to the Code of Canons of the Eastern Churches*, I (Canada: Wilson & Lafleur, 2019) 55.

<sup>2</sup> Helmuth Pree, "Rite and Liturgical Law in Eastern Canon Law," *Eastern Canon Law*, VI (2017), 11-12.

*iuris*; at the same time, common law has to establish the norms in this section on feast days and days of penance in the matter of common discipline.

### 1. Sacred Times in CCEO

Sacred times come under Divine worship, especially the Sacraments in the title XVI of CCEO. In CCEO, each title is divided into chapters and subdivided into articles. This title, Divine Worship and Especially the Sacraments, is divided into eight chapters. Seven sacraments are treated individually in the first seven chapters. Chapter eight of this title deals with sacramental, sacred times and places, veneration of the saints, and a vow and an oath. Article III, in the eighth chapter of title XVI, deals with feast days and days of penance. In CCEO, there are four canons in this section. One of the main differences between the CIC and CCEO of this section is the difference in the names of the sections. In CIC Book IV, The Sanctifying Office of the Church, Title II deals with Sacred Times.<sup>3</sup>

The legislator intends to emphasize the title on divine worship and especially the sacraments in Title XVI, the need to conform to the Eastern mentality, according to Eastern tradition, which undoubtedly considers the sacraments to be primary acts of divine worship. The main effect of the sacraments is the sanctification of souls. The valid and licit administration of the sacraments always has a predominant aspect of worship.<sup>4</sup> The Orientals, according to whom the sacraments, especially the Eucharistic sacrifice, cannot be adequately distinguished from divine worship.<sup>5</sup> The sacraments are, above all, a theophany of the Holy Trinity; therefore, the Church, by celebrating and administering the sacraments through her ministerial priesthood, by virtue of the Holy Spirit, places herself before the mysteries of Christ and unites herself to the worship of the heavenly Church. The earthly liturgy unites the earth to heaven, associating itself with the divine and perfect liturgy celebrated there

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<sup>3</sup> Varghese Koluthara, "Title XVI, Divine Worship and Especially the Sacraments," in John D Faris- Jobe Abbass, *A Practical Commentary to the Code of Canons of the Eastern Churches*, I, Wilson & Lafleur, Canada, 2019, 1197.

<sup>4</sup> Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo, "Denua recognitio dello shema dei canoni sul Culto divino a Sacramenti," *Nuntia*, XV (1982), 6.

<sup>5</sup> M. Augé, "Función de santificar," in J. Otaduy - A. Viana - J. Sedano, *Diccionario general de derecho canónico*, IV (Pamplona: Universidad de Navarra, 2012) 161.

in the unceasing praise of the most holy Trinity.<sup>6</sup> Sacraments and sacramentals are the most common worship experience and, in almost all Christians' worship life.<sup>7</sup> The constitution on the Divine Liturgy states that:

The sacraments are ordained to the sanctification of men, to the building up of the Body of Christ, to the worship of God; as signs also they have a place in instruction. They not only presuppose faith, but they nourish, strengthen and express it by word and action; therefore are they called the sacraments of faith. They do indeed confer grace, but their celebration disposes the faithful most efficaciously for a fruitful reception, for the worship of God, and for the exercise of charity.<sup>8</sup>

Both the Codes do not have the definition of sacred times. Sacred times are generally set aside for God, for a special religious worship.<sup>9</sup> In *CCEO*, article III treats feast days and days of penance. That means sacred times are days of feast and days of penance. On the other hand, *CIC* title on sacred time is divided into two chapters. They are feast days and days of penance. That means there are two kinds of sacred times: feast days and days of penance.<sup>10</sup>

## 2. Competent Authority of All Eastern Churches in *CCEO* C. 880 §1

In the same spirit of the Latin Code, the Eastern Code articulates, "The supreme authority of the Church alone is to establish, transfer or suppress feast days and days of penance that are common to all of the Eastern Churches with regard for §3."<sup>11</sup> The supreme authority is the Pope alone or the College of Bishops acting together with the Pope.<sup>12</sup> *Christus dominus*, the decree concerning the pastoral office of bishops in the Church, expresses the Roman Pontiff's supreme

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<sup>6</sup> D. Salachas, "De cultu divino et praesertim de sacramentis," in P.V. Pinto, *Commento al Codice dei Canonici delle Chiese Orientali* (Città del Vaticano: Libreria Editrice Vaticana, 2001) 551.

<sup>7</sup> James F. White, *Introduction to Christian Worship* (Nashville: Abingdon Press, 1990) 165.

<sup>8</sup> SC 59.

<sup>9</sup> Thomas Pazhayampallil, *A Commentary on the New Code of Canon Law* (Bangalore: KJC Publication, 1985) 561.

<sup>10</sup> John M. Huels, "The Sanctifying Function of the Church," in John P. Beal, James A. Coriden and Thomas J. Green, eds., *New Commentary on the Code of Canon Law* (Bangalore: Theological Publications in India, 2003) 1442.

<sup>11</sup> *CCEO* c. 880 §1.

<sup>12</sup> John M. Huels, "The Sanctifying Function of the Church," 1442.

authority.<sup>13</sup> As bishop of Rome, the Pope has ordinary power in the Latin Church and in all the Eastern Catholic Churches. Canon 43 of CCEO stipulates the power of the Roman Pontiff,<sup>14</sup> and Canon 49 of CCEO expresses the supreme power of the collage of bishop in communion with the Pope.<sup>15</sup>

The collage of bishop exercises this supreme power collegially only when it is united with the head, while the Roman Pontiff can personally exercise this supreme and ordinary power.<sup>16</sup> Eastern Code highlights the exclusive role of the supreme Church authority in establishing, transferring, or suppressing those feast days or days of penance common to all Eastern Churches.<sup>17</sup> OE no. 19 explains that the competent authority must determine, transfer, or suppress feast days common to all the Eastern Churches and the individual Churches *sui iuris*. The competent authority to set up, transfer, or suppress the feast days common to all the Eastern Churches is the Ecumenical Council or the Apostolic See. However, for an individual Church, besides the Apostolic See, the Synod of bishops of each individual Church is competent to do the same.<sup>18</sup>

Some of the Fontes cited in CCEO are based on OE 19, *Quod saepissime* of Leo M., *Quia divinae* of Innocentius III, and *Assueto paterne* of Pope Pius VI. In *Quod saepissime*, the bishop of Rome asked the authority of the Church in Constantinople for the celebration of the holy Easter

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<sup>13</sup> In this Church of Christ the Roman pontiff, as the successor of Peter, to whom Christ entrusted the feeding of His sheep and lambs, enjoys supreme, full, immediate, and universal authority over the care of souls by divine institution. Therefore, as pastor of all the faithful, he is sent to provide for the common good of the universal Church and for the good of the individual churches. Hence, he holds a primacy of ordinary power over all the churches. CD 2.

<sup>14</sup> The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ and pastor of the entire Church on earth. By virtue of his office he possesses supreme, full, immediate and universal ordinary power in the Church which he is always able to exercise freely. CCEO c. 43.

<sup>15</sup> CCEO c. 49.

<sup>16</sup> George Thekkekara, "College of Bishops," in John D Faris and Jobe Abbass, *A Practical Commentary to the Code of Canons of the Eastern Churches*, I, (Canada: Wilson & Lafleur, 2019) 201.

<sup>17</sup> Thomas J. Green, "Selected Issues in Divine Worship/ Sacraments in the Latin and Eastern Codes: A Comparative Study," *Studies in Church Law* 6, 4 (Jan- Dec 2008) 106.

<sup>18</sup> OE 19.

on the same day. Pope commands in this letter that the day of observance of Easter will be brought to the knowledge of His mercy so that the universal Church may know what should be kept around the observance, which it is not lawful for it to differ. This document notices the bishop of Constantinople that he may not have the faculty to harm them.<sup>19</sup>

*Quia divinae* is an Apostolic Bull issued by Pope Innocentius III, by which the Church of the Maronites have been received under the protection of the apostolic see, and the rights and customs of the Maronite Church are confirmed. In this document, the Pope permitted the practice of the obligatory days in the Maronite tradition. They were the feast of the nativity of our Lord, the feast of the martyr Stephen, the Lord's circumcision, the feast of the Epiphany, Palm Sunday, the Holy Thursday, Holy Saturday, the Passover, one of the feast days of blessed virgin Mary, the feast of St. John the Baptist, all the solemnities of the apostles, the feast day of all saints, dedications of churches, principal feasts according to Maronite traditions, day of consecrations of bishops and ordinations of clerics.<sup>20</sup>

*Assueto paterne* is the letter issued by Pope Pius VI to the Ruthenian Catholic Church to instruct the obligatory days. Obligatory days of the Church not transferred to other days are Easter and Pentecost, and other Sundays throughout the year, Christmas, Circumcision of our Lord, Epiphany, Ascension, feast of Mother Mary such as the Purification, the Annunciation, the Assumption, and Conception of the Virgin Mary, as well as the feasts of the holy Apostles Peter and Paul and all the Saints.<sup>21</sup> These *fontes* show the universal authority of the Pope and how to use it in the discipline of obligatory days in the history of particular Churches in the Universal Church.

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<sup>19</sup> Leo PP. Magnus, *Quod Saepissime*, 15 apr. 454, in Pontificia Commissio ad Redigendum Codicem Iuris Canonici Orientalis, *Fontes Acta Romanorum pontificum A S. Clemente I (anc.90) ad Coelestinum III (1198)*, I (Romae: Typis Polyglottis Vaticanis, 1963) 278.

<sup>20</sup> Innocentii PP. II, *Quia divinae*, in Pontificia Commissio ad Redigendum Codicem Iuris Canonici Orientalis, *Acta Innocenti PP. III (1198- 1216)*, I (Romae: Typis Polyglottis Vaticanis, 1963) 458-459.

<sup>21</sup> Pius PP. VI, *Assueto Paternae Caritatis*, 8 apr. 1755, in Sacra Congregazione Orientale, *Codificazione canonica orientale, fonti, ius particulare Ruthenorum*, XI, (Romae: Tipografia Poliglotta Vaticana, 1933) 231-233.

### 3. The Competent Authority in Individual Churches in CCEO

Obligatory days of any of the individual Churches are within the competence not only of the Apostolic See but also of the Patriarchal or Archiepiscopal Synod.<sup>22</sup> Canon 880 §2 of CCEO stipulates:

The competence to constitute, transfer or suppress feast days and days of penance for individual Churches *sui iuris* belongs also to the authority in those Churches that is competent to establish the Particular Law. It may do so, however, only after taking into account the other Churches *sui iuris* and without prejudice to c. 40 §1.<sup>23</sup>

Canon 40 §1 explains, Hierarch who preside over Churches *sui iuris* and all other hierarchs are to care with the greatest diligence for the faithful and accurate observance of their own rite; nor are they to allow changes to be made in it except by reason of its organic progress; they are nonetheless to keep in mind mutual goodwill and the unity of Christians.<sup>24</sup> The organic progress of each Church *sui iuris* indicates considering into account, first of all, the roots from which the heritage of these Churches was initially developed, mainly in Jerusalem, Alexandria, Antioch, Constantinople, Armenia, and in the ancient empire of Persia. Secondly, the way such traditions were transmitted, adapted, and interpreted to the various circumstances and places but maintained in a coherent, organic continuity. Any renewal that takes place on the basis of faithfulness to the traditions and in view of the demands of our world, it is necessary to coherent and agree with sound tradition, in such a way that the new norms do not appear as an extraneous body forced into an ecclesiastical composite, but blossoming as though spontaneously from already existing norms.<sup>25</sup>

In making the particular laws on feast days and days of penance, the competent legislative bodies are to take into account both the similar decisions of the other Catholic Churches *sui iuris* and those of the non-Catholic Churches, in order to promote unity or at least not to hinder it, as recommended by the Second Vatican Council, without, however, damaging their own faith and the accurate observance of

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<sup>22</sup> OE 19.

<sup>23</sup> CCEO c. 880 §2.

<sup>24</sup> CCEO c. 40 §1.

<sup>25</sup> Dicastery for Eastern Churches, *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, (Città del Vaticano: Libreria Editrice Vaticana, 1996) 12.

their own rite, and only when such a decision could produce organic progress, in accordance with canon 40 §1 CCEO.<sup>26</sup> Canon 40 §1 imposes that the *sui iuris* Churches conserve and protect their authentic heritage.<sup>27</sup>

### 3.1. Particular Law of Patriarchal or Major Archiepiscopal Church

The juridical figure of the major archbishop and the Synod of Major archiepiscopal Church resembles the patriarch and patriarchal Synod.<sup>28</sup> In a patriarchal or major archiepiscopal Church, the Synod of bishop exclusively exercises the legislative power and has the highest juridical powers (CCEO c. 1062). The Synod of bishops is competent to make particular laws within the proper territory (CCEO c. 110 §1). However, the power to promulgate laws and to publish decisions of the Synod is within the competence of the patriarch (CCEO c. 112 §1). Regarding the manner of promulgating laws, canon. 1489 §2 of CCEO says that laws given by legislator other than the Apostolic See are promulgated in the manner determined by those legislators and begin to oblige from the date prescribed by them. Canon 111 §3 of CCEO states that the laws and decisions of the Synod are to be sent to the Roman Pontiff as soon as possible. No mention is made of the approval by the Roman Pontiff.<sup>29</sup> That which concerns the establishment, transfer, or suppression of feast days and days of penance is considered as having the force of liturgical law and, therefore, has force everywhere and not only within the boundaries of the Church *sui iuris*.<sup>30</sup> In accordance with canon 150 §2 of CCEO:

Laws enacted by the Synod of bishops of the patriarchal Church and promulgated by the patriarch, have the force of law everywhere in the world if they are liturgical laws. However, if they are disciplinary laws or in the case of other decisions of the Synod,

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<sup>26</sup> D. Salachas, "De cultu divino et praesertim de sacramentis," 759.

<sup>27</sup> Victor J. Pospishil, *Eastern Catholic Church Law: Commentary* (India: Oriental Institute of Religious Studies, 1994) 539.

<sup>28</sup> Ivan Žužek, "Canons Concerning the Authority of Patriarchs over the Faithful of Their Own Rite Who Live Outside The Limits of Patriarchal Territory," George Nedungatt (ed.), *Understanding the Eastern Code, Kanonika 8* (Roma: Pontificio Istituto Orientale, 1997) 32.

<sup>29</sup> Kuriakose Bharanikulangara, "Classification, promulgation and Extension of Particular law," in John D. Faris- Francis J. Marini (ed.), *Particular law of the Eastern Catholic Churches, Maronite Rite Series, 4* (New York: Saint Maron Publications, 1996) 32.

<sup>30</sup> D. Salachas, "De cultu divino et praesertim de sacramentis," 759.



they have the force of law within the territorial boundaries of the patriarchal Church.<sup>31</sup>

Provision given by CCEO c. 881 §2, the Synod of bishops of the patriarchal and major archiepiscopal Church is competent to constitute, transfer, or suppress feast days and days of penance for their Churches.

### 3.2 Particular Law of Metropolitan Churches *Sui Iuris*

According to canon 155 of CCEO, metropolitan churches *sui iuris* are a church *sui iuris* as established by canon 27 CCEO, i.e., formed by a group of faithful united by the Hierarchy according to the norms of law, which the supreme authority of the Church recognizes expressly or tacitly as a metropolitan church *sui iuris*.<sup>32</sup> In a metropolitan Church *sui iuris*, the authority to establish the particular law belongs to the council of hierarchs of that particular Church.<sup>33</sup> In the Metropolitan Churches *sui iuris* the Council of Hierarchs is an episcopal body that manifests the unity and communion of the Churches belonging to it. Thus, the Council of Hierarchs is an episcopal juridical collegial institution which as such enjoys the juridical power in a stable manner.<sup>34</sup>

Canon 167 §1 CCEO states that the Council of Hierarchs has ordinary legislative power to enact laws and norms, and this power can be exercised only in those cases in which the canons expressly grant it, but also whenever common law refers to the particular law of a Church *sui iuris*. This power cannot be delegated. Can. 985 §2 CCEO establishes "legislative power must be exercised in the manner prescribed by law; that which a legislator below the supreme authority has in the Church cannot be validly delegated unless common law provides otherwise, an inferior legislator cannot validly issue a law contrary to higher law."<sup>35</sup> This is a general legislative competence, although according to another interpretation it would

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<sup>31</sup>CCEO c. 150 §2.

<sup>32</sup> N. Loda, "Le Chiesa Metropolitane sui iuris: origini, struttura e prospettive ecclesiali," in G. Ruyssen - S. Kokkaravalayil, *Il CCEO strumento per il futuro delle Chiese Orientali Cattoliche, Kanonika*, 25 (Roma: Pontificio Istituto Orientale, 2017) 128.

<sup>33</sup> Roy Joseph Kaduppil, "feast days and days of penance" in *John D Faris- Jobe Abbass, A Practical Commentary to the Code of Canons of the Eastern Churches*, 1(Canada: Wilson & Lafleur, 2019) 1656.

<sup>34</sup> N. Loda, "Le Chiesa Metropolitane sui iuris: origini, struttura e prospettive ecclesiali," 151.

<sup>35</sup>CCEO c. 985 §2.

seem to be peremptory. Can. 167 §2 CCEO speaks of laws and norms which constitute the *ius particulare* of the metropolitan Church *sui iuris*, the enactment of which is the responsibility of the Council of Hierarchs of the Metropolitan Churches. These laws and norms cannot be promulgated unless the metropolitan has informed the Holy See and only after receiving a written notification of receipt of the acts of the council of hierarchs from the Apostolic See. The metropolitan is also to notify the Apostolic See of other acts of the Council of Hierarchs.<sup>36</sup> CCEO can. 882 §2 gave the provision of enactment of law on feast days and days of penance to particular law, the council of hierarchs is competent to codify laws on this section, but they have to follow all the norms that common law established for the promulgation of particular law. That means codified laws on feast days and days of penance will have the force of law only after getting the written notification from the Apostolic See.<sup>37</sup>

### 3.3. Particular Law of Other Churches *Sui Iuris*

In other Churches *sui iuris*, the Churches which are neither Patriarchal, Major Archiepiscopal, nor Metropolitan Churches can be recognised as Churches *sui iuris* by the supreme authority of the Church expressly or tacitly. If they are recognised expressly or tacitly as Churches *sui iuris* in accordance with CCEO 174-176, these Churches are immediately dependent on the Apostolic See, not only as an individual ecclesiastical unit but also as Churches *sui iuris*. If they are recognised expressly or tacitly as Churches *sui iuris* in accordance with canons 174-176 of the CCEO, it is necessary for the Apostolic See to entrust each one to a hierarch who presides over it in accordance with common law and the particular law established by the Roman Pontiff.<sup>38</sup> Canon 176 CCEO states:

if common law relegates something to particular law or to the higher administrative authority of a Churches *sui iuris*, the competent authority of these Churches is the Hierarch who presides over it in accordance with the norm of law; however, he

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<sup>36</sup> N. Loda, "Le Chiesa Metropolitane *sui iuris*: origini, struttura e prospettive ecclesiali," 154.

<sup>37</sup> CCEO c. 882 §2.

<sup>38</sup> D. Salachas, "Configurazione giuridica di tutte le altre Chiese *sui iuris* minori," in G. Ruyssen - S. Kokkaravalayil, *Il CCEO strumento per il Futuro delle Chiese Orientali Cattoliche, Kanonika*, 25 (Roma: Pontificio Istituto Orientale, 2017) 164-165.

needs the consent of the Apostolic See, unless it is expressly stated otherwise.<sup>39</sup>

However, though the provision of enactment of laws on days of feast and penance given by the common Code, the head of the other Churches *sui iuris* needs the consent of the Apostolic See.<sup>40</sup>

#### 4. Holy Days of Obligation in CCEO c. 880 §3

In the Eastern Code, the canon on holy days of obligation gives clarity regarding the days which are obligatory for all the Eastern faithful. Besides Sundays, five days are obligatory for all the Eastern Catholic Churches. The canon on feast days explains,

Feast days of obligation common to all the Eastern Churches, besides Sundays, are the Nativity of Our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of Holy Mary the Mother of God and the Holy Apostles Peter and Paul, without prejudice to the Particular Law of a Church *sui iuris* approved by the Apostolic See by which certain feast days of obligation are suppressed or transferred to a Sunday.<sup>41</sup>

Holy days obligatory for all the Eastern and Latin Churches are Sundays, the Nativity of Our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of Holy Mary, the Mother of God, and the Holy Apostles Peter and Paul. In addition to Sundays, five holy days are mentioned in the Common Code of the Eastern Church. Latin faithful are bound to observe five more holy days, which are in tune with the culture and history of the Latin Church. They are Corpus Christi, Mary the Mother of God, her Immaculate Conception, St Joseph, and All Saints. In the new situation of work and life, it is difficult for the people to observe all the ten solemnities as days of obligation.

Moreover, Catholics of different world cultures do not give equal importance to all the feasts. It is appropriate that the law grants to the Conference of Bishops, the authority to suppress the obligation of some of them or transfer them to Sunday, which decisions are effective after the confirmation by the Apostolic See.<sup>42</sup> According to this canon, an Eastern *sui iuris* Church has the authority either to

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<sup>39</sup> CCEO c. 176.

<sup>40</sup> Roy Joseph Kaduppil, "Feast Days and Days of Penance," 1656.

<sup>41</sup> CCEO c. 880 §3.

<sup>42</sup> John M. Huels, "The Sanctifying Function of the Church," 1444.

suppress or to transfer the observance of any of these Holy days of obligation to a Sunday according to the Particular Law of the Church *sui iuris*.<sup>43</sup> If a particular law suppresses the common days of obligation mentioned in *CCEO* or transfers them to a Sunday, it is to be approved by the Apostolic See.<sup>44</sup>

### 5. Dispensation from the Obligation

In *CCEO*, there is no canon directly giving the dispensation of obligatory days of feast and penance. But the parallel section in *CIC* c. 1245 directly deals with the dispensation from the obligatory days of feast and penance. In which the diocesan bishops have general competence, but pastors may dispense, for a just cause according to the prescript of the diocesan bishop and a superior of a religious institute or society of apostolic life if they are clerical and pontifical right, can dispense to his own subjects.<sup>45</sup> In *CCEO* there is no parallel legislation on this section. Canon 882 of the *CCEO* gives the particular law to establish the norms on obligatory days of penance. In this regard, according to the patrimony and custom of the Churches, each Church can establish the norms on dispensation. For example, c. 115 §6 of the particular law of the Ukrainian Greek Catholic Church establishes the norms, for a dispensation from the obligation of fast, the following provisions are to be observed: 1) The periods of dispensed weeks in the Ukrainian Greek Catholic Church are: from the Nativity of Christ until the vigil of Theophany; from the Sunday of the Publican and the Pharisee to the Sunday of the Prodigal Son; from Easter Sunday until the Thomas Sunday; and from the Descent of the Holy Spirit until the Sunday of All Saints. 2) There is no fast on Saturdays, Sundays, and on the days celebrating the New Year (Dec. 31-Jan. 1) and also for the Independence of Ukraine (Aug. 24). 3) The following are dispensed from any obligation to fast: children up to 14 years of age; persons over 60 years of age; the gravely ill; pregnant women; postpartum mothers and those who are breastfeeding; those who are travelling (if the travel time exceeds eight hours); those engaged in heavy labour; those who eat from the table of others; the poor who live from charity; 4) In individual cases the local hierarch may grant a

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<sup>43</sup> Jose Chiramel, "Holy Days of Obligation, Fast and Abstinence in Latin and Eastern Codes," *Studies in Church Law*, 4 (2008) 464.

<sup>44</sup> Kuriakose Bharanikulangara, *Classification, Promulgation and Extension of Particular law*, 135.

<sup>45</sup> John M. Huels, "The Sanctifying Function of the Church," 1443.

dispensation from the fast, in such an instance - exhorting the faithful to acts of piety and mercy.<sup>46</sup>

Some of the *sui iuris* Churches have no established norms for this section on dispensation; they have to follow the common law on this section. In the Eastern Code, dispensation is dealt with in the section on administrative acts. Regarding the competent person for giving the dispensation, without mentioning the persons such as bishops, pastors, and superiors, CCEO is using the general term such as those who have executive power of governance as well as those who have received such power explicitly or implicitly by the law itself or by legitimate delegation.<sup>47</sup>

## 6. Observance of Days of Obligation to the Faithful

CCEO c. 7 §1 defines Christian faithful as,

Those who incorporated as they are into Christ through baptism, are constituted as the people of God; and so, participating in their own way in the priestly, prophetic, and royal function of Christ, they are called, each according to his or her condition, to exercise the mission which God has entrusted to the Church to fulfill in the world.<sup>48</sup>

This canonical formation of the Code expresses the vision of the Second Vatican Council as articulated in *LG* 9, 10, 12, 13, 31; *UR* 2, and so forth. Baptism provides a true equality of dignity among all the Christian faithful. This state of equality gives them not only an opportunity but also a right and duty to engage in the mission of the Church. This mission is a participation in the building up of the Body of Christ. Baptism incorporates each person into the Body of Christ.

In the same way, as the Body contains different members with different functions, the members of Christ's Body also participate differently, according to each one's status. Each receives the mission to preach the Gospel according to their conditions.<sup>49</sup> The Christian faithful, who have the use of reason and they are at least seven years old, have the obligation to attend Sunday Mass, unless they are

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<sup>46</sup> *The Particular Law of the Ukrainian Greek Catholic Church*, Major Archiepiscopal Curia, Major Archeparchy of Kyiv-Halych, 2015, c. 115.

<sup>47</sup> CCEO c. 1510, c. 979.

<sup>48</sup> CCEO c. 7 §1.

<sup>49</sup> George Thekkekara, "Rights and obligations of the Christian Faithful to build up the Church," *Eastern Legal thought*, 15 (2019) 204.

seriously impeded, and pastors have the corresponding duty to see that it is practical and possible for all to fulfill this precept.<sup>50</sup> The obligation to participate in Mass means participating in the entire Eucharistic celebration. Namely, participation includes the liturgy of the Word and the liturgy of the Eucharist.<sup>51</sup>

Attending a television or online Mass is not a substitute for participation in Divine Liturgy and does not fulfill the Sunday or Holy Days of obligation. The reason is that sacramental grace cannot be imparted or obtained through the virtual reality of communication media. However, faculty is often granted to impart papal blessings with attached plenary indulgence on special occasions at particular places or periods, for example, at a particular Church during the year of faith, at the situation of the pandemic period of COVID-19.<sup>52</sup> *Sacramentum Caritatis* explains, concerning the worth of taking part in Mass via the communications media, that those who hear or participate in these broadcasts should be conscious that, under normal circumstances, they do not fulfill the obligation of participation in Mass. Visual images can represent reality, but they do not actually reproduce it. While it is most admirable that the elderly and the sick participate in Sunday Mass through radio and television, the same cannot be said of those who believe that such broadcasts dispense them from going to Church and sharing in the Eucharistic gathering in the living Church.<sup>53</sup>

Pope John Paul II, in his apostolic letter, *Dies Domini* explains the participation of the Holy Eucharist of the sick and the use of media. The Christian faithful who, because of sickness, disability, or some other serious reason, are prohibited from taking part should, as best they can, unite themselves with the celebration of Sunday Mass from afar, if possible, by means of the readings and prayers for that day from the Missal, as well as through their wish for the Eucharist as a spiritual participation. In many nations, radio and television make joining in the Eucharistic celebration broadcast from some sacred place possible. Evidently, this kind of broadcast does not in itself realize the Sunday

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<sup>50</sup> Sebastian.S. Karambai, *Ministers and Ministries in the Local Church: A Comprehensive Guide to Ecclesiastical Norms* (Mumbai: St. Pauls Publications, 2015) 323.

<sup>51</sup> SC 56

<sup>52</sup> Sebastian.S. Karambai, *Ministers and Ministries in the Local Church*, 324.

<sup>53</sup> Benedictus PP. XVI, *Adhortatio Apostolica Postsynodalis: Sacramentum Caritatis* (Città del Vaticana: Libreria Editrice Vaticana, 2007) 57.

obligation, which needs participation in the fraternal community gathered in one place, where Eucharistic communion can be received in presence. But for those who cannot take part in the Divine Eucharist for a reasonable cause and who are therefore exempted from the obligation, radio and television are a valuable help, mainly if attended by the generous service of extraordinary ministers who bring the Eucharist to the sick. Sunday Mass thus gives rich fruits to these Christians, and they are really enabled to experience Sunday as the Lord's Day and the Church's Day.<sup>54</sup>

### 6.1. Observation of Divine Liturgy and Divine Praises

In the Eastern Code, c. 881 §1 stipulates the obligation of the Christian faithful regarding the observance of Sunday and obligatory days as, "Christian faithful are bound by the obligation to participate on Sunday and feast days in the Divine Liturgy, or according to the prescripts or legitimate custom of their own Church *sui iuris*, in the celebration of the Divine praises."<sup>55</sup> CIC c. 1247 articulates that the faithful are obliged to participate in the Mass on Sundays and other holy days of obligation. In which Latin faithful have only the obligation of participating in Holy Mass, but for Eastern faithful, it clearly states that Divine Liturgy is to be according to the custom of the *Sui iuris* church on divine praises. Constitution on the sacred liturgy *sacrosanctum concilium* explains the term liturgy,

The liturgy, through which the work of our redemption is accomplished, most of all in the divine sacrifice of the Eucharist is the outstanding means whereby the faithful may express in their lives, and manifest to others, the mystery of Christ and the real nature of the true Church.<sup>56</sup>

In the Eastern Code, the canon uses the term divine liturgy, whereas in the Latin Code, it is used to indicate divine Eucharist or Mass. The concept of Divine Liturgy has been explained in CCEO as:

What the Lord Jesus himself did at the last Supper is perpetuated in the Divine Liturgy by the power of the Holy Spirit through the ministry of the priest who acts in the person of Christ at the obligation of the Church. The Lord Jesus gave to his disciples his Body, which was to be poured out for us, thus instituting the true

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<sup>54</sup> Ioannes Paulus PP. II, Litterae Apostolicae: *Dies Domini*, Libreria Editrice Vaticana, Citta del Vaticano, 1998, 54.

<sup>55</sup> CCEO c. 880 §1.

<sup>56</sup> SC 2

and mystical sacrifice. In this, the bloody sacrifice of the cross is commemorated with thanksgiving, is actuated and shared by the Church through oblation and through communion, in order to signify and perfect the unity of the people of God and to edify the Body of Christ, namely the Church.<sup>57</sup>

This shows that the Eastern Code uses the term divine liturgy exactly the same as the Latin Code uses the term Mass. Moreover, respecting the tradition of the Eastern Church, this law articulates that the Christian faithful should observe the Sundays and holy days of obligation by participating in the Divine Liturgy or in the celebration of the Divine Praises according to the Particular Law of each Church *sui iuris*.<sup>58</sup> The observance of one's own rite is defined as the right and duty of the faithful. This means that the faithful have the right to ask the Church authority for help in creating the conditions for them to observe their own rite. Conversely, the Church authority has the duty to remind the faithful of their obligation to observe their own rite should they themselves be negligent in this respect. This does not mean the exclusion of the Oriental faithful from participation in liturgical life in the Latin Church, but awareness that such participation must somehow be considered an exception to the rule.<sup>59</sup>

Liturgical instructions on Eastern Churches explain the meaning and importance of the divine praises in the Eastern tradition. It states that the Divine Praises unceasingly renew the spirit of vigilance in the desire for the return of the Lord and sanctity of the whole day. It enables the recalling the memory of the presence of the Lord, they distribute His grace, permeating and inserting all existence into the Trinitarian life and unity. According to the apostolic command, they sanctify the faithful in the dimension of time in which they live on earth, throughout the hours, days, weeks, months, and years, as true prayer without a break according to the apostolic command. Calling upon the time when the Divine Praises were maintained with special care in the Eastern practices, not only by the monastic communities

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<sup>57</sup> CCEO c. 698.

<sup>58</sup> Dimitrios Salachas, "Sacramentals Sacred Times and Places, Veneration of the Saints," in George Nedungatt, ed., *A Guide to the Eastern Code*, Kanonika 10 (Rome: Pontificio Istituto Orientale, 2002) 591.

<sup>59</sup> C. Vasil, "Cura pastorale dei fedeli orientali cattolici senza propria gerarchia," in Pontificio Consiglio per i Testi Legislativi, *L'attenzione Pastorale per i Fedeli Orientali*, (Città del Vaticano: Libreria Editrice Vaticana, 2017) 102-103; F. Marini, "Il precetto della Messa festiva: un obbligo individuale per un'assemblea che celebra la memoria pasquale," in *Quaderni di diritto ecclesiale*, 18 (2005), 261.



but also by the parishes, in which all faithful could participate. The Code of Canons of the Eastern Churches reminds us of the obligation—often easily forgotten or abandoned— to celebrate them in the cathedrals, parishes, rectorial churches, religious communities, and seminaries.<sup>60</sup>

The obligation of the Divine Liturgy and divine office on the day of obligation is mentioned in *OE*, "The faithful are bound to take part on Sundays and feast days in the Divine Liturgy or, according to the regulations or custom of their own rite, in the celebration of the Divine Office."<sup>61</sup> The more relevant question of this canon was, whether this canon describes Divine Praises as an alternative to the Divine Liturgy. The codification committee responded by adding the clause 'according to the precepts and legitimate custom of their own Church *sui iuris* to avoid confusion.<sup>62</sup> Mentioning the participation in the Divine Praises, *CCEO* intends to emphasize that the Divine Praises also have a specific importance in the Christian life.<sup>63</sup>

## 6.2. Reception of the Holy Eucharist

Instruction of the sacred rites *Eucharisticum Mysterium* explains on the Holy Communion regarding Sunday and holy day Mass anticipated on the previous day, "The faithful who begin to celebrate the Sunday or holy day of obligation on the evening of the preceding day may go to Holy Communion even if they have already done."<sup>64</sup> Liturgical instruction for Eastern Churches strongly recommends distribution under both species.<sup>65</sup> Liturgical instruction number 52 stipulates that the Divine Eucharist should be distributed under both species of consecrated bread and wine. The mode of distributing the communion under the species of bread alone is just an imitation of the Latin practice and should be abandoned without delay. So, to

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<sup>60</sup> Dicastery for Eastern Churches, *Instruction for Applying the Liturgical Prescriptions*, 96, 98.

<sup>61</sup> *OE* 15.

<sup>62</sup> *Nuntia*, XXVIII (1989) 122.

<sup>63</sup> Dimitrios Salachas, "Sacramentals Sacred Times and Places, Veneration of the Saints," 592.

<sup>64</sup> Sacred Congregation for Rites, *Instruction on Worship of the Eucharist, Eucharisticum Mysterium*, 25 May 1967, *AAS* 59 (1967) 539-573; in A JOINT COMMISSION OF CATHOLIC BISHOPS' CONFERENCE, *Documents on the Liturgy 1963-1979: Conciliar, Papal, and Curial Texts*, (Collegeville: Liturgical Press, 1982) 407.

<sup>65</sup> O. Condorelli, "La comunione Eucaristica sotto le due Specie: La prassi Antica e la Genesi Storica del Suo Cambiamento," G. Ruysen (ed.) *The Holy Eucharist in Eastern Canon Law, in Kanonika*, 16 (Rome: Pontificio Istituto Orientale, 2010) 100.

conclude, such practices today are to be considered a recent invention, completely foreign to the Eastern tradition.<sup>66</sup>

Constitution on Sacred Liturgy stipulates, “that a perfect form of participation in the Mass whereby the faithful, after the priest's communion, receive the Lord's body from the same sacrifice is strongly commended.”<sup>67</sup> On the basis of the teaching of the Church and the new theological development in the Church regarding the reception of the Holy Eucharist on Sundays and holy days of obligation, Code of Canons of the Eastern Churches states that “the Christian faithful are strongly recommended to receive the divine Eucharist on these days and indeed more frequently, even daily.”<sup>68</sup> It is appropriate that participants in a banquet obtain the food from the table at which they are participating and not from another. Any usage to the contrary clouds the meaning of Eucharist, which signifies the private communion of the individual person with the Lord and the mutual fellowship in the mystical Body of Christ on the parts of all the communicants participating in the same Eucharistic meal.<sup>69</sup> For this reason, CCEO c. 713 §1 articulates, “the Divine Eucharist is to be distributed in the celebration of the Divine Liturgy unless a just cause suggests otherwise.”<sup>70</sup> This practice should be considered the ordinary way, except for the communion for the sick who are not present at the time of Eucharistic celebration.<sup>71</sup>

### 6.3. Abstain from Works

Canon 881 §4 *CIC* explains, “Christian faithful should abstain from those work or business matters that impede the worship to be rendered to God, the joy that is proper to the Lord's Day or the proper relaxation of mind and body.”<sup>72</sup> The consecration of the feast day consists precisely in commemorating the joy of the Resurrection. The engagement of the cultic notion is reflected in the canonical tradition itself: sacred rest has always been understood as *Deo vacatio*.

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<sup>66</sup> Dicastery for Eastern Churches, *Instruction for Applying the Liturgical Prescriptions*, 52.

<sup>67</sup> *SC* 55.

<sup>68</sup> CCEO c. 881 §3.

<sup>69</sup> Dicastery for Eastern Churches, *Instruction for Applying the Liturgical Prescriptions*, 53.

<sup>70</sup> CCEO c. 713 §1.

<sup>71</sup> Dicastery for Eastern Churches, *Instruction for Applying the Liturgical Prescriptions*, 52.

<sup>72</sup> CCEO c. 881 §4.

The prohibition of work or business that hinders the celebration does not so much refer to assisting the Eucharistic sacrifice as to the sacredness of the day.<sup>73</sup> It is worth emphasizing that the subject of sacred rest has a decisive theological and anthropological significance. It is a question of respecting not only the divine purpose of the person but the very human dimension of time. It is not too difficult to see how indulging the weekly rhythm is a prelude and access to eternity and how the loss of the sense of rest implies loss in the culture of work. The historical and cosmic character of Christian remembrance well sums up the consciousness of the salvific event with the cyclical nature of time. In the Gospel message, on the other hand, the supernatural respects and perfects nature without ever distorting it: the divine is harmoniously combined with the human.<sup>74</sup>

Pope Benedict XVI, in His apostolic exhortation *Sacramentum Caritatis*, teaches us it is mostly important nowadays to recollect that the day of the Lord is also a day of rest from work. It is greatly to be hoped that this fact will also be recognized and authorized by civil society so that the Christian faithful can be permitted to refrain from work without being penalized. Christians, not without reference to the meaning of the Sabbath in the Jewish tradition, have seen in the Lord's Day a day of rest from their daily efforts. This is highly significant, for it relativizes work and directs it to the person: work is for man and not man for work. It is easy to see how this really protects men and women, liberating them from a possible form of enslavement. The work is of essential importance to the fulfilment of the human being and to the development of society. Thus, it must always be respected and carried out with full respect for human dignity and must always serve the common good. At the same time, it is indispensable that people not allow themselves to be enslaved by work or to idolize it, claiming to find in it the ultimate and definitive meaning of life. It is on the day consecrated to God that men and women come to understand the appropriate meaning of their lives and also of their work.<sup>75</sup>

The true meaning of rest in the holiday and Sunday implies doing good to others fulfilling the values of the spirit, and rebuilding the bonds of fraternity. Free time or abstaining from work means work

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<sup>73</sup> M. del Pozzo, *I Precetti Generali della Chiesa: Significato Giuridico e Valore Pastorale*, (Milano: Guiffre Francis Lefebvre, 2015) 124.

<sup>74</sup> M. del Pozzo, *I Precetti Generali della Chiesa*, 109-110.

<sup>75</sup> *Sacramentum Caritatis*, 74.

that comes from charity. That means a day dedicated to charity.<sup>76</sup> Pope John Paul II teaches us that the Eucharist is an occasion and symbol of true brotherhood. From the Sunday Mass, there extends a tide of charity destined to spread into the whole life of the faithful, beginning by motivating the very way in which they live the rest of Sunday. If Sunday is a day of joy, Christians should declare by their real behaviour that we cannot be happy on our own or ourselves alone. They look around to find persons who may need their help. It may be that there are sick people, older people, children, or immigrants in their neighbourhood or those they know, who, precisely on Sundays, feel their isolation and need. These people cannot be limited to occasional Sunday gestures. But presuming a broader sense of responsibility, why not make the Lord's Day a more powerful time of sharing, encouraging all the imagination of which Christian charity is accomplished. They are welcoming to a meal, people who are isolated, visiting the sick, providing food for needy families, spending a few hours in voluntary work and acts of solidarity: these would certainly be ways of bringing into people's lives the love of Christ established at the Eucharistic table.<sup>77</sup> Abstinence from daily work was a strict rule from ancient times. In present legislation, we do not find an absolute prohibition; on the other hand, attention is more on the matter of celebration<sup>78</sup>.

## 7. Time of Obligation

The obligation to participate in the Mass may be satisfied at any time during the twenty-four hours of the feast day itself or on the evening before it.<sup>79</sup> The evening should be understood as any time from 4 P.M. onwards<sup>80</sup>. CCEO c. 881 §2 states: "In order for the Christian faithful to fulfill this obligation more easily, the useful time runs from the evening of the vigil until the end of the Sunday or feast day."<sup>81</sup> The precept may be satisfied at any Mass, in other words, not merely when the liturgical texts are those of the Sunday or a holy day of obligation.<sup>82</sup> OE states: "That the faithful may be able more easily to fulfill their obligation, it is

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<sup>76</sup> R. Coronelli, "Origine e sviluppo del precetto domenicale festive," in *Quaderni di diritto ecclesiale*, 18 (2005) 239.

<sup>77</sup> *Dies Domini*, 72.

<sup>78</sup> Roy Joseph Kaduppil, "Feast Days and Days of Penance," 1659.

<sup>79</sup> John M. Huels, "The Sanctifying Function of the Church," 1445.

<sup>80</sup> Pius PP. XII, *Constitutio Apostolica: Christus Dominus*, 6 January 1953, in *AAS*, XLV (1953) 14-24.

<sup>81</sup> CCEO c. 881 §2.

<sup>82</sup> Sebastian.S. Karambai, *Ministers and Ministries in the Local Church*, 324.

laid down that the period of time within which the precept should be observed extends from the Vespers of the vigil to the end of the Sunday or the feast day."<sup>83</sup> In fact, in Eastern tradition, the daily cycle begins with Vespers and is extended into the night to culminate in the morning with the Divine Liturgy or Oblation.<sup>84</sup>

*Sacramentum Caritatis* explains the useful time of obligation on Sunday observance. It is suitable that Church communities should arrange the time of Sunday Mass, and the activities of the Christian community: social gatherings, programmes for the faith formation of children, young people, and adults, pilgrimages, charitable works, and different moments of prayer. For the good of the faithful, while recognizing that Saturday evening, beginning with First Vespers, is already a part of Sunday and a time when the Sunday obligation can be fulfilled - we need to remember that it is Sunday itself that is meant to be kept holy, lest it end up as a day empty of God.<sup>85</sup>

### 8. Days of Penance (CCEO c. 882)

Fasting and abstinence are the traditional penitential practices of the Church. As the true faithful of the Church, members of the Church must obey the norms with constancy and commitment to enter the Pascal Mystery. Fasting and penance indicate the physical and spiritual aspects. The physical realm is the human-corporeal reality as a form of discipline and purification of the person expressed in not eating and abstaining from meat and dairy products. The spiritual reality is the sense of abstaining from vices or other acts and attitudes with the purpose of mortifying selfishness and purifying oneself in order to arrive at the confession of one's sins, opening one's heart to the love of God and others. Practicing penance has as its purpose the purification of the believer, so that one may be converted and confess sins, in order to approach the Body and Blood of Christ and with the aim of a reunion with Christ.<sup>86</sup>

In the Eastern Church, days of penance are to be observed in accordance with the norms of the law of each Church *sui iuris*. CCEO

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<sup>83</sup> OE 15.

<sup>84</sup> Congregation for Eastern Churches, *Instruction for Applying the Liturgical Prescriptions*, 64

<sup>85</sup> *Sacramentum Caritatis*, 73.

<sup>86</sup> N. Loda, "Tradizioni divergenti: giorni aliturgici nella Chiesa Bizantina e Copta," in G. Ruysen, *La divina Eucaristia nel Diritto Canonico Orientale, Kanonika*, 16 (Roma: Pontificio Istituto Orientale, 2010) 150-151.

c. 882 states: “On the days of penance, the Christian faithful are obliged to observe fast or abstinence in the manner established by the Particular Law of their Church *sui iuris*.”<sup>87</sup> In parallel section of *CIC* this part contains four canons. But in *CCEO*, this section holds only one canon, and it is interesting that this canon gives the provision to particular law to establish the norms as required. It gives the provision to safeguard the custom and the practices of each Church *sui iuris*.

In Eastern Churches, every Church has its own tradition regarding the observance of penance. For example, analyzing the particular law of some of the Churches, the uniqueness of Churches *sui iuris* could be seen as per different traditions. The particular law of the Maronite Church article 323 §2 states that fasting consists of refraining from eating from midnight to midday, with the exception of water, which does not break it. Abstinence consists in refraining from eating meat and dairy products.<sup>88</sup> The particular law of the Coptic Catholic Church of Alessandria defines fasting and abstinence in c. 94. It establishes that fasting is the prohibition of eating meat, milk, and its productions and eggs, but it is permissible to eat fish. Abstinence is the prohibition of eating and drinking from midnight until the afternoon and is accompanied by the prohibition of eating meat, milk, and its productions and eggs. These norms of these Churches expressly show the traditional differences between fasting and abstinence in their culture.<sup>89</sup>

The Apostolic Constitution *Paenitemini* explains: “In the Eastern Churches, the right to determine days of fast and abstinence belongs, in keeping with the conciliar decree on the Eastern Churches no. 23, to the Patriarch with his Synod or to supreme authority in each Church, acting with his Council of hierarch.”<sup>90</sup> *OE* states: “It belongs to the Patriarch with his Synod, or to the supreme authority of each Church with the Council of the hierarchs, to regulate the use of languages in the sacred liturgical functions and, after reference to the Apostolic See, of approving translations of texts into the

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<sup>87</sup> *CCEO* c. 882.

<sup>88</sup> *The Particular Law of the Maronite Church*, art. 323 §2.

<sup>89</sup> *Il diritto particolare della chiesa patriarcale Copto - Cattolica di Alessandria*, Synod of bishop of the Copto- Cattolica di Alessandria Patriarchal Church, Egypte, 2003, c. 94.

<sup>90</sup> Paulus PP. VI, Apostolic Constitution on Penance, *Paenitemini*, 17 February 1966, AAS LVIII (1966), 177-198; En. trans., Austin Flannery, ed., *Vatican Council II: More Post- Conciliar Documents*, 2 (Mumbai: St. Pauls Publications, 2013) 31.

vernacular."<sup>91</sup> And CCEO c. 110 §1 establishes: "the Synod of bishops of the Patriarchal Church is exclusively competent to make laws for the entire Patriarchal Church that obtain force according to the norm of c. 150 §§2-3."<sup>92</sup> The law gives the provision for the Particular Law to establish the law regarding fasting and abstinence.<sup>93</sup> In this regard, the particular law can establish the required norms for each Church *sui iuris* as per tradition and culture.

Comparing the particular laws of the Churches in this section, most of them establish the obligatory days of fasting and abstinence, giving the meaning, mode of observation, age of observation, recommended days of fasting and abstinence, penitential seasons, and authority competent to dispense. For example, the norms of Maronite Church laws establish that the faithful are obliged to observe the laws of fasting and abstinence from meat during Lent unless a dispensation is issued for suitable reasons. Article 323 §2 states that fasting consists of refraining from eating from midnight to midday, with the exception of water, which does not break it. Abstinence consists in refraining from eating meat and dairy products. The practice of acts of charity, almsgiving, and mercy, especially towards the poor and the sick, are befitting of the penitential season. The forty-day penitential season commences on Ash Monday and ends on Holy Saturday preceding Resurrection Sunday. There is no fasting on Sundays and feast days that fall within this season, especially on the Entry of Christ into the Temple, the feast of Saint Maron, the feast of Saint Joseph, the feast of the Annunciation of Mary, and so long as none of these feast days coincides with Good Friday.<sup>94</sup> Abstinence from meat is mandatory on Fridays all year, except if the following holy days fall on Friday: they are Christmas, the Presentation in the Temple, Epiphany, Saint Maron, St. Joseph, Saint Peter and Paul, the Assumption, the Exaltation of the Cross, All Saints Day and the Immaculate Conception. Abstinence from meat is not mandatory on Fridays during the period between Christmas and Epiphany, between Easter

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<sup>91</sup> OE 23.

<sup>92</sup> CCEO c. 110 §1.

<sup>93</sup> Dimitrios Salachas, "Sacramentals Sacred Times and Places, Veneration of the Saints," 592.

<sup>94</sup> Charbel Bousamra, *The Particular law of the Maronite Church Analysis and Perspective*, in *Dissertationes series canonica*, 27 (Roma: EDUSC, 2010) 296.

and Pentecost, and during the week of the Faithful Departed preceding the Season of Lent.<sup>95</sup>

### 9. The Age of Obligation

In the Latin Code, those above the age of fourteen years are bound by the law of abstinence, and those between eighteen and sixty by the law of fasting.<sup>96</sup> CCEO has no such norms on the age of obligation in this section. If the particular law does not establish any norms in this section, general norms on the age of obligation are applied in this case. A minor, before the completion of the seventh year, is an infant and is considered *non sui compos*, that means he or she is not responsible for himself or herself. With the completion of the seventh year, a minor is presumed to have the use of reason and, therefore, considered *sui compos* (CCEO c. 909 §2). Those who habitually lack the use of reason are considered infants and are, therefore, *non sui compos* (CCEO c. 909 §3). Though with baptism, a person is incorporated into the Body of Christ, unless the law expressly provides otherwise, only those who have completed seven years of age are bound by the merely ecclesiastical laws (CCEO c. 1490).<sup>97</sup> Children above the age of seven and the elderly above sixty are also bound to fast and abstinence. However, the manner in which the Christian faithful are to fast and abstain is determined by the particular law of each Church *sui iuris*.<sup>98</sup> For example, the particular law of Syro-Malankara Catholic Major Archiepiscopal Church establishes that the faithful have the obligation of fasting as: “it is obligatory for Christian faithful between the age of twenty-one and sixty to fast on the middle day of three days *nombu*, on the first Monday and all Fridays of the Lent. The sick, those engaged in hard labour, the aged, and pregnant women are exempted from this fasting.”<sup>99</sup>

### 10. Obligation Outside the Territory

The domicile (CCEO c. 912 §1) or the quasi domicile (CCEO c. 912 §2) determines a person’s ascription to a parish or eparchy. Through

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<sup>95</sup> Kuriakose Bharanikulangara, *Classification, Promulgation and Extension of Particular law*, 135.

<sup>96</sup> Dimitrios Salachas, “Sacramentals Sacred Times and Places, Veneration of the Saints,” 725.

<sup>97</sup> George Thekkekara, *Rights and obligations of the Christian Faithful*, 206.

<sup>98</sup> Dimitrios Salachas, “Sacramentals Sacred Times and Places, Veneration of the Saint,” 725.

<sup>99</sup> The Syro-Malankara Catholic Major Archiepiscopal Church, *The Code of Particular Canons of the Syro-Malankara Catholic Church*, Major Archiepiscopal Curia Catholicate Centre, Trivandrum, 2012, c. 572.



domicile or quasi-domicile, each acquires his or her local hierarch and pastor of the Church *sui iuris* to which he or she is ascribed (CCEO c. 916 §1). Therefore, one's membership in the Christian community is determined by one's domicile or quasi-domicile, according to which a person becomes entitled to the right and obligation to perform the corresponding duties.<sup>100</sup> The possible situations of Eastern faithful residing outside the proper territories of their own Church *sui iuris*, where there is no eparchy or exarchy of their Church, for example, member of the Ethiopian *sui iuris* Church residing in Munich. The second possibility is about Eastern faithful residing in the situation mentioned above; the territory may belong to another *sui iuris* Church, or there may be small communities from different *sui iuris* Churches. For example, members residing in Munich may belong to a single *sui iuris* Church like Ethiopian or to different Churches such as Chaldean, Coptic, etc. Thirdly, the eparchy/diocese of that territory does not belong to the Church of any of those Eastern faithful but comes under the Latin Church. Lastly, the Eastern faithful may be scattered in different parts of the country where they live, and if there are different local hierarchs in that country, they will belong to different eparchies/ dioceses of that country, depending on the place of residence of each of them.<sup>101</sup>

CCEO canons 39-41 express the need to preserve their own rite and membership of their Church *sui iuris*.<sup>102</sup> But in the present situation, the migration of the people is a common phenomenon. Regarding the Eastern Catholic Churches, their hierarchs and pastors are not present everywhere in the world.<sup>103</sup> In his Post-Synodal Apostolic Exhortation, Pope Benedict XVI expresses the pastoral care of the Eastern faithful of those outside the native land. It states that for those faithful who, for several reasons, needed to leave their native countries, the Synod uttered thankfulness to all those involved in the pastoral care of migrants. Definite attention needs to be paid to migrants belonging to the Eastern Catholic Churches; in addition to being away from home, they also meet the difficulty of not being able to participate in the Divine Liturgy in their own proper rite. For this

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<sup>100</sup> George Thekkekara, *Rights and obligations of the Christian Faithful*, 207.

<sup>101</sup> Sunny Kokkaravalayil, "Eastern Catholic Faithful and Their Latin Proper Hierarchs Who are Not Designated by Roman Apostolic See or the Patriarch," in *Eastern Canon Law*, 7 (2018) 117-118.

<sup>102</sup> N. Loda, "Gli Ordinariati per i fedeli di rito orientale in territori di rito latino e la tensione verso la crescita ecclesiale," in *Eastern Canon Law*, 6(2018) 185.

<sup>103</sup> Roy Joseph Kaduppil, "Feast Days and Days of Penance," 1661.

purpose, wherever possible, they should be served by priests of their rite. In all cases, Bishops welcome these brothers and sisters with the love of Christ. Associates with the faithful of different rites can prove a source of mutual enhancement.<sup>104</sup>

Canon 883 §1 states, “as regards feast days and days of penance, the Christian faithful who are outside the territorial boundaries of their own Church *sui iuris* can adapt themselves fully to the norms in force where they are staying.”<sup>105</sup> According to this canon, Eastern Catholic faithful residing outside the territorial boundaries of their autonomous Churches may apply the rules of the territory of residence.<sup>106</sup> This canon is the practical norm already explained by *OE*, “individual faithful dwelling outside the area or territory of their own rite may follow completely the established custom of the place where they live as regards the law of the sacred seasons.”<sup>107</sup>

### 11. Spouses Ascribed to a Different Church *Sui Iuris*

Canon 883 §2 deals with the families where the spouses are ascribed to different Church *sui iuris*. This norm also comes in the light of the description of *OE* 21. It states in families of mixed rites, it is permissible to observe this law according to the same rite. This law is also an exception from the *CCEO* c. 40 §1. Canon 883 §2 states, “in families in which the spouses are ascribed to different Churches *sui iuris*, it is permitted to observe the norms of one or the other Church *sui iuris* in the matter of feast days and days of penance.”<sup>108</sup> According to this canon, when the parents of a family belong to different Churches, the rules of either Church can be selected by all members of the household.<sup>109</sup>

### Conclusion

The Code of Canons of the Eastern Code, *CCEO*, article III of title XVI (Divine Worship and especially the Sacraments) deals with the canon on feast days and days of penance (cc. 880-883). The *CCEO* had only four canons in this section, but in *CIC*, the sacred time comes under the sanctifying office of the Church, containing ten canons. The main

<sup>104</sup> *Sacramentum Caritatis*, 60.

<sup>105</sup> *CCEO* c. 883 §3.

<sup>106</sup> Victor J. Pospishil, *Eastern Catholic Church Law*, Second Revised and Augmented Edition (, New York: Saint Maron Publicaion,1996) 638.

<sup>107</sup> *OE* 21.

<sup>108</sup> c. 883 §2.

<sup>109</sup> Victor J. Pospishil, *Eastern Catholic Church Law*, 638.

title of both Codes shows the theological differences of Western and Eastern traditions. For Eastern understanding, sacraments are the primary acts of divine worship, and the main obligation on obligatory days is closely attached to divine worship. In comparison to the Latin Code, the Eastern Code is silent about the norm related to dispensation from the obligation, participation in the Eucharistic celebration in the absence of the priest, obligatory days of penance common for Eastern Churches, the mode of observation of the penance, and the age of obligation. The Latin Church has ten obligatory days of feasts, along with Sundays. Eastern law establishes five obligatory feast days common to all Eastern Churches besides Sundays. They are the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of Holy Mary, Mother of God, and the Holy Apostles Peter and Paul. In *CIC*, obligatory days of penance contain detailed norms on times of penance, obligatory days of abstinence, and obligatory days of both abstinence and fasting. However, the Eastern Code does not establish any law common to all Eastern Churches. For safeguarding the particular patrimony of each church *sui iuris*, the Eastern Code gives the option to particular law to enact laws on competence to constitute, transfer, or suppress the feast days and days of penance for the individual Churches and manner of observance of fast and abstinence.