

14 December 2016

Attached with this letter is a document on Eastern Catholics that was given to the New Zealand bishops by Bishop Bosco Puthur, the Apostolic Visitor for Syro-Malabar people in New Zealand. Can I ask that in your pastoral care of people from Eastern Catholic churches in communion with Rome that you consult this booklet to see what it is appropriate for you to do or not to do.

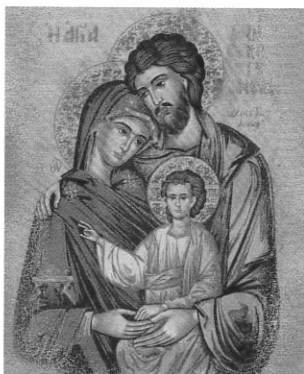
EASTERN CATHOLIC CHURCHES IN AUSTRALIA





Cover and book design by Joe Thorley
Image: Traditional icon of the Holy Family

© 2016 Australian Catholic Bishops Conference
To obtain further copies visit www.catholic.org.au



EASTERN CATHOLIC CHURCHES IN AUSTRALIA

(This document has been produced to assist priests and deacons of the Latin Catholic Church in their parish pastoral ministry. It has not attempted to be a scholarly or technical treatment. Often, as regards questions about marriage, a canonist will need to be consulted).

1 - Historical Background

The term *Eastern Churches* refers to the Churches that developed in the eastern half of the Roman Empire, and those outside the Empire dependent on them. Some (but not all) non-Catholic Eastern Churches are called *Orthodox Churches*. The Eastern or Oriental Churches are not a strict unity, but a number of individual Churches.

At present, there are twenty-three groups of Eastern Christians who with the Latin Church form the Catholic Church governed by the successor of Peter and bishops in communion with him.

2 - The Notion and Nature of a Church and a Rite

2.1 - Church: The canonical term *autonomous (sui iuris) Churches* is used for the twenty-four groups (the Latin, and the twenty-three Eastern groups) of the Catholic faithful bound together by a hierarchy, and which are expressly or tacitly acknowledged as autonomous by the Holy See. There is the principle that all autonomous Churches - including the Latin - are of equal dignity, and none is superior to another by virtue of rite.

2.2 - Rite: A *rite* is the liturgical, theological, spiritual and disciplinary heritage, differentiated by culture and historical circumstances, by which each autonomous Church expresses its own manner of living the faith. There are nine Eastern rites arising from the Alexandrian, Antiochene, Armenian, Chaldean and Constantinopolitan traditions.¹

¹ In the Latin Church or the patriarchate of Rome, three rites have survived, viz. the Ambrosian, the Mozarabic and the Roman. Within the Roman Rite, some peculiar usages have survived, viz. the Bragan, the Lyonese and those of some religious orders. Some other rites in the West (e.g. the Celtic) and some other usages within the Roman Rite (e.g. the Sarum) have not survived.

They are the Coptic and Geez rites (from the Alexandrian tradition); the Maronite, Syrian and Syro-Malankara rites (from the Antiochian tradition); the Armenian rite (from the Armenian tradition); the Chaldean and Syro-Malabar rites (from the Chaldean tradition); and the Byzantine rite (which is used by each of the fourteen autonomous Churches of the Constantinopolitan tradition).

3 - The Code of Canons of the Eastern Churches

The Code of Canon Law promulgated in 1983 is the Code for the Latin Church. The twenty-three Eastern Catholic autonomous Churches are not bound by it in any way. Instead they are all bound by *The Code of Canons of the Eastern Churches* promulgated in 1990. It contains 1546 canons (as against 1752 canons in the Latin Code).

4 - Territoriality of Jurisdiction

Membership of an autonomous Church is personal, and adheres to the person wherever he/she is. However, if an individual acquires a domicile or quasi-domicile outside the territory of his/her autonomous Church, he/she is subject to a different authority to his/her own Church authority (see 5.2 & 5.3).

5 - Pastoral Care of Eastern Catholics in Australia

5.1 - For those for whom an eparchy has been established:

In Australia, this is the situation for Chaldeans,² Maronites,³ Melkites,⁴ Syro-Malabars⁵ and Ukrainians of Byzantine rite.⁶ Each eparchy has an eparch (diocesan bishop) with clergy and parishes. The faithful are *ipso facto* excluded entirely from the jurisdiction of the Latin Church bishops, and subject to the exclusive jurisdiction of their own eparch.

5.2 - For those for whom there is no eparchy, but there is the presence of a priest of an autonomous Eastern Church:

In Australia, there are priests of six such Churches, namely the Armenian, Coptic, Romanian, Russian, Syrian and Syro-Malankaran Churches. These priests, and the faithful of these Churches, are subject to the Latin Church diocesan bishops in all matters as Latin Church priests and faithful are, except for liturgical matters.

5.3 - For those who have neither Eastern Church bishop nor priest:

In Australia, this is the situation for the Eritrean and Ethiopian Churches, and for ten of the Byzantine rite Churches, namely the Albanians, Belarusans, Bulgarians, Greeks, Hungarians, Križevcis, Italo-Albanians,

2 This eparchy, created in 2006, embraces all Chaldean Catholics within the entire region of Oceania. The present eparch is Archbishop Amel Nona, who has the personal title of archbishop. The cathedral is at Bossley Park, New South Wales.

3 This eparchy, created in 1973, embraces all Maronites within Australia. The present eparch is Bishop Antoine Tarabay OLM. The cathedral is at Redfern, New South Wales.

4 This eparchy, created in 1987, embraces all Melkite Catholics within Australia and New Zealand. The present eparch is Bishop Robert Rabbat. The cathedral is at Darlington, New South Wales.

5 This eparchy, created in 2014, embraces all Syro-Malabar Catholics within Australia. The present eparch is Bishop Bosco Puthur. The eparchial headquarters are at Mickleham, Victoria.

6 This was established as an apostolic exarchate in 1958 and as an eparchy in 1982. It embraces all Ukrainian Catholics of Byzantine Rite within the entire region of Oceania. The present eparch is Bishop Peter Stasiuk CSsR. The cathedral is at North Melbourne, Victoria.

Macedonians, Ruthenians and Slovaks. The faithful of these Churches (except the Ruthenians and Slovaks) are under the care and jurisdiction of the Latin Church bishops and priests, who should facilitate the observance of their own laws, traditions and customs. The Ruthenians and Slovaks in Australia are under the care of the Ukrainians.

6 - Ascription to an Autonomous Catholic Church

6.1 - Membership by baptism

6.1.1 - Below the age of fourteen years: the following principles apply:

1. Parents Catholic of the same autonomous Church - children are of that Church
2. Parents Catholic of different autonomous Churches - children are of the Church of the father, unless both parents agree that children are of the mother's Church
3. One parent Catholic - children are of the Church of the Catholic parent
4. An unmarried mother - children are of her Church
5. Parents unknown - children belong to the Church of the legal guardians
6. Adopting parents - the above principles apply
7. Unbaptised parents - children belong to the Church of the person undertaking education in the Catholic faith.

6.1.2 - Fourteen years and older: Any autonomous Church may be chosen by the one being baptised.

6.2 - Transfer to another Church: This can only be granted by the Holy See, unless it is the case of someone wishing to transfer from an autonomous Church to another which has its own diocese/eparchy in the same territory, and the bishops of both dioceses/eparchies agree. In Australia, this applies only to transfer between the Chaldean, Latin, Maronite, Melkite, Syro-Malabar and Ukrainian Churches.

6.3 - Change of Church by law: A Latin Catholic spouse may join the autonomous Church of the other spouse at the time of or during the marriage; an Eastern Catholic woman may join the Church of her Catholic husband.

6.4 - Persons entering full Catholic communion: The principle is that they do not change rite, e.g. a Russian Orthodox becomes a Russian Catholic. However, where this is physically or morally impossible (e.g. the corresponding Catholic autonomous Church is not represented in the territory), they may join any Catholic autonomous Church, including the Latin. This aggregation to an autonomous Church is valid, even if done unlawfully.

Protestants becoming Catholics are free to join any Catholic autonomous Church.

7 - Sacramental Interecclesial Legislation

Should a Latin Church bishop, priest, or deacon ever have to administer sacraments to Eastern Church Catholics, he always wears Latin Church vestments and follows the Latin Church ritual and ceremonies, unless he has an apostolic indult permitting him to celebrate in more than one autonomous Church.

7.1 - Baptism

A Latin Church priest or deacon may baptise a child of an Eastern Church only when a priest or deacon of the proper Eastern Church is unavailable. A priest of the proper Church is considered unavailable when a) the child is in danger of death, b) when the priest of the proper Church is too far away to bring the child to him, or c) when the priest of the proper Church cannot come to baptise the child. In such cases, the Latin celebrant should note the Church of the child in the entry in his own baptismal register, and also send notification of the baptism to the proper priest so that he can register it in his register. If there is no priest of the proper Eastern Church in the country, the registration is made only in the Latin Church register, but with the note about the proper autonomous Church.

A child, no matter where baptised, belongs to the Church to which by the rules of law he/she should belong.

7.2 - Chrismation (Confirmation)

In the Eastern Churches (whether Catholic or non-Catholic), this is always administered by the priest with baptism, except in emergency situations, in which cases the priest confirms at the earliest convenience. The *myrrh* (*chrism*) is consecrated by the patriarch or bishop.

Should a Latin Church priest baptise an infant in one of the circumstances noted in 7.1, he cannot confirm validly unless he has the faculty to do so. The baptised child should be taken to the Eastern priest or bishop for confirmation at the earliest convenience.⁷

Latin Church priests (and teachers) should especially keep in mind the principle that in Eastern Churches a child is normally confirmed at baptism. If such children are in a Latin Church parish school, they cannot be confirmed again when the other children (Latin Church) in the class are being confirmed. Should it be discovered at this time that the Eastern Church child was not confirmed at

7 Should an Eastern priest baptise a Latin child in extraordinary circumstances, he should not confirm it (respecting the Latin tradition) although if he did the confirmation would be valid.

baptism (e.g. because he was baptised by a Latin Church priest, or in emergency circumstances), he must not be confirmed by the Latin Church bishop, but by his own priest (or bishop).

7.3 - Blessed Eucharist

7.3.1 - Celebration: No priest may celebrate Mass using a liturgical rite of an autonomous Church other than his own without permission of the Holy See.

A priest, invited by a celebrant of a different autonomous Church, may concelebrate Mass in the rite of the other Church. During such a concelebration, a mixing of rites is absolutely forbidden. Moreover, each concelebrant must wear the vestments of his own Church, not of the host Church.

Most Eastern Catholic Churches use leavened bread. Only the Armenians, Maronites and Syro-Malabars use unleavened bread like the Latin Church.

A priest may celebrate on an altar in a church of any autonomous Church in the Catholic Church (using his own rite, of course). He needs permission of the local ordinary to celebrate in a non-Catholic Church, whether Eastern or Western.

While Catholics would normally attend Mass in their own autonomous Church, they may attend Mass in any autonomous Catholic Church, and even fulfil their Sunday obligation in that Church.

7.3.2 - Reception: Holy Communion may be received in any Catholic Church. First Holy Communion is to be received in one's own autonomous Church, and usually takes place with baptism and confirmation (i.e. in infancy). In these cases, very young children may receive Holy Communion, even before the age of reason.

The ordinary minister for the distribution is a priest; some Eastern Churches include deacons as ordinary ministers. Some Eastern Churches permit lay Eucharistic ministers, but only in cases of “true emergency.”

7.3.3 - Reservation and veneration: All Eastern Catholic Churches reserve the Blessed Sacrament. However, the relatively modern Latin forms of Eucharistic veneration, such as exposition and benediction of the Blessed Sacrament, are unknown in Eastern Catholic Churches (except the Maronites and Syro-Malabars).

7.4 - Penance

The faithful may confess to any Catholic priest - Latin or Eastern - provided he has jurisdiction to hear confessions.

The Eastern Churches do not have automatic censures. However, they have retained the reservation of some serious sins for absolution by the Apostolic See (violation of the sacramental seal, and absolution of an accomplice in a sin against chastity) or by the eparchial bishop (procuring a completed abortion).⁸

7.5 - Anointing of the Sick

In case of necessity, Anointing may be requested and received from any Catholic priest. Outside danger, the Latin Church priest should call the priest of the sick person's Church, if available. In some Eastern Churches, priests may concelebrate this sacrament.

7.6 - Holy Orders

A bishop may ordain candidates to the diaconate and priesthood only if they are of his own autonomous Church, unless he has an indult from the Holy See.

⁸ Reservation of sins has been abolished in the Latin Church.

Currently, all Eastern Catholic Churches ordain married men to the priesthood, with the exception of the Albanian, Bulgarian, Syro-Malabar and Syro-Malankara Churches. Until 2014, such ordinations normally had to be conducted within the proper territory of the Eastern Church. Now they may be conducted anywhere.

Where there is a shortage of priests of a particular autonomous Church, and a need for more adequate pastoral care of the faithful of that Church, some priests receive a bi-ritual indult from the Holy See (usually for three years and renewable), permitting celebration of Mass and the sacraments in both the Latin and an interested Eastern Church.

7.7 - Marriage

7.7.1 - Impediments: There are a few differences with the Latin Church legislation (the Eastern legislation being stricter) as regards affinity and public propriety.

The impediment of spiritual relationship arising from baptism has been abolished in the Latin law. In Eastern law, there arises from baptism a spiritual relationship that invalidates marriage between a sponsor and the baptised person and between the sponsor and a parent of the baptised person.

Some autonomous Churches still retain the subdiaconate as an impediment.

7.7.2 - Dispensing power: When the faithful of an Eastern Church have no ordinary of their own, the Latin Church local ordinary is their ordinary (cf. 5.2 & 5.3) and so dispenses. If Eastern Catholics have their own ordinary (cf. 5.1), only he can dispense, and the Latin Church local ordinary would dispense invalidly. Should the parties

be of different Churches (e.g. Latin groom and Ukrainian bride), the groom's local ordinary or hierarch should dispense. If it is a mixed marriage, only the Catholic's ordinary can dispense validly.

7.7.3 - Assistance at marriages of Eastern Catholics: The norm is that marriage should be celebrated before the priest of the groom.

7.7.3.1 - In Australia, a Latin Church priest, with faculties to witness marriages, may validly witness the marriage of

- 1 - Two Latin Church Catholics;
- 2 - A Latin Church Catholic, with a non-Catholic (whether Eastern non-Catholic, or Protestant);
- 3 - A Latin Church Catholic with an Eastern Catholic (although this would be unlawful if the groom is the Eastern Catholic and is Chaldean, Melkite, Maronite, Syro-Malabar or Ukrainian of Byzantine rite);
- 4 - An Eastern Church Catholic whose Church is not established (i.e., an Eastern Catholic other than Chaldean, Melkite, Maronite, Syro-Malabar or Ukrainian of Byzantine rite) with a non-Catholic (Eastern or Protestant);
- 5 - Two Eastern Catholics (same or differing Churches), neither of whom has their Church established (i.e. two Eastern Catholics, neither of whom is Chaldean, Maronite, Melkite, Syro-Malabar or Ukrainian of Byzantine rite).

7.7.3.2 - In Australia, a Latin Church priest, without special delegation from an Eastern Catholic hierarch or from the Holy See or from the Apostolic Nuncio, cannot validly assist at the following marriages, even if they are conducted within his own parish:

- 1 - Two Eastern Catholics, of which at least one has his/her Church established in Australia (Chaldeans, Maronites, Melkites, Syro-Malabars, Byzantine rite Ukrainians);

2 - An Eastern Catholic, whose Church is established in Australia (Chaldeans, Maronites, Melkites, Syro-Malabars, Byzantine rite Ukrainians) with a Protestant or an unbaptised person (a Latin Church bishop has no authority to permit such a marriage or grant a dispensation for it).

7.7.3.3 - It should be noted that Eastern Churches do not accept that a deacon can validly bless a marriage.

7.7.3.4 - Most importantly, the marriage of an Eastern Catholic (or non-Catholic) would be invalid if the celebrant did not impart a blessing. The Rite of Marriage for the Latin Church contains several blessings, any of which suffices for validity of a marriage of which one party is an Eastern Catholic.⁹

7.7.4 - Canonical form: Catholics - whether Latin or Eastern - marrying baptised Eastern non-Catholics are bound to the canonical form of marriage¹⁰ only for lawfulness. If they proceed and marry before a validly ordained non-Catholic priest, they marry validly. Such a marriage cannot be declared null because of lack of canonical form. In Eastern law, a dispensation from the canonical form of marriage is reserved to the Holy See or the patriarch/major archbishop; it cannot be granted by the eparchial bishop.

9 The Rite of Marriage, nn. 33, 49, 65, 119-121.

10 Marriage before the local ordinary or parish priest or priest or deacon delegated with faculty to bless marriages, and two witnesses.

8 - Entry into Latin Catholic Parish Schools

There must be no distinction made between Latin Catholic children and Eastern Catholic children, provided that all the policies and criteria for assessing applications to individual Catholic schools are fulfilled.

25 May 2015

Very Rev. Professor Ian B. Waters

Senior Fellow

Senior Lecturer in Moral Theology and Canon Law

Catholic Theological College, University of Divinity

Melbourne

Most Rev. Robert M McGuckin

Chairman

Australian Catholic Bishops Commission for Canon Law



Australian Catholic Bishops Conference

Bishops Commission for Canon Law

PO Box 368 Canberra ACT 2601

Telephone: (02) 6201 9862

www.catholic.org.au