Book Review


In the context of Eastern canonical publications, the collegial and shared effort of these canonists who are experts in the law of the Eastern Churches, deserve consideration and appreciation. In the oriental canonical panorama only two were the precedents: P.V. Pinto (cur.), *Commentary on the Code of Canons of the Eastern Churches*, Vatican City 2001 and


This practical Commentary is a truly demanding and at the same time original work directed by Professors J.D. Faris - J. Abbass, OFM Conv., who coordinated a group of scholars of the juridical system of the Eastern Churches, coming from different academic and pastoral realities, therefore with specific doctrinal competence, and also practical, fruit of previous scientific work, that wanted to contribute
not only to the understanding of the text in an accurate and meticulous way for a first essential study of the Code, but also to participate in an ecclesial intelligibility that includes the various subjects relating to the Mystery of the Church, and the essential points grasped in the legal text. The reception of the ancient sources and of The Second Vatican Council, together with the ecclesiological perspective, have become the founding stones of the textual dynamics of the CCEO.

It has been said that this work was directed by two Authorities in the Eastern canonical field: the Chorbishop John D. Faris, the Assistant Professor in The Catholic University of America, Washington DC, on the suggestion and brain work of Ernestos Caparros, the Professor of Canon Law, Jobe Abbass OFM Conv., of St. Paul University, Ottawa (Canada) and Pontifical Oriental Institute, Rome. Both co-editors in planning and executing the project are grateful to two professors: Ivan Zuzek S.J. and Father George Nedungatt S.J. and the entire Faculty of Eastern Canon Law at the Pontifical Oriental Institute for the excellent canonical formation they provided. The book consists of the contribution of 30 scholars and professors of Eastern law.

This practical commentary consists of two volumes and opens with the Table of Contents, the continuation with the Imprimatur of the Maronite Patriarch of Antioch and of all the East, Cardinal Bechara Boutros Rai and the Foreword by Prof. George Nedungatt S.J. and the Editors’ Preface, followed by the list of Contributors, Editorial Assistants and Abbreviations.

The Apostolic Constitution Sacri Canones, by John Paul II, the Preface to the Latin Edition and the Discourse of Presentation of CCEO by Pope John Paul II are also included.

Also in this initial part of the first volume we have three illustrative sections edited by R. G. Roberson, the Eastern Catholic Churches are described; another introductory essay follows: J. D. Faris,
Codifications of Eastern Canon Law with a copious bibliography; S. Kokkaravalayil, Particular Law, Possibilities and Limits.

The descriptive overview of the CCEO is given to us by the Outline of the Code of Canons of the Eastern Churches, from which the comment of can. 1 by J. Abbass, who opens the discussion of the Preliminary canons, (canons 1-6), dealing with the problems of the norms referring to relations with the Latin Church. The can. 2 which has as its theme the ancient law of the Eastern Churches is commented on by D. Salachas. Can. 3 regarding Liturgical prescripts, about can. 4 regarding agreements with nations or political societies; can. 5 about acquired rights and privileges and can 6 regarding force of former Laws and customs are commented on by D. Salachas.

The Title I. The rights and Obligations of All the Christian Faithful opens with the introduction of A.J. Alles and the Commentary on all the canons of the first Title, from c. 7 to c. 26. The Churches sui iuris and rites, canons 27-41 has the introduction of V. Poothavelithara and the commentary on can. 27-28 which is followed by Chapter I relating to ascription to a Church sui iuris, with c. 29-38 by J. Abbass together with Chapter II titled The Preservation of rites c. 39-41.

G. Thekkekkara comments on Title III The supreme Autority of the Church, canons 42-54 with the can. 43-48 nel Chap. I, The Roman Pontiff, and the Chapter II, relating to The College of the Bishops (can. 49-54); while J. D. Faris comments the Title IV: The Patriarchal Churches, canons 55-150; follows J. P. Kimes commenting on the Title V: Major Archiepiscopal Churches (canons 151-154) and the Title VI, Chapter I: Metropolitan Churches and other Churches sui iuris, canons 155-173, Chapter I: Metropolitan Churches sui iuris (can. 155173) and Chapter II, Other Churches sui iuris (can. 174-176).

We now enter the part relating to the Bishops where D. Motiuk comments on Chapter I, Bishops, (canons 177-234); which is followed by Chapter II, Organs assisting the Eparchial Bishop in the
governance of the Eparchy (canons 235-278) by T. J. Green, in which he treated: the Eparchial Assembly, the Eparchial curia; the Presbyteral Council and College of Eparchial Consultors, the Pastoral Council, which is followed by Chapter III, Parishes, Pastors and Parochial Vicars (Canons 279-303); so too Chapter IV, Rectors of Churches (c. 304-310).

The Title VIII, Exarchies and Exarchs (canons 311-321) owns the introduction and comment of G. Thekkekara, which is followed by an excursus on Ordinariates for Eastern Catholics by Astrid Kaptijn (p. 649-668). The Practical Commentary continue with the Title X, Assemblies of Herarchs of several Churches sui iuris by B. Tharakunnel, canon 322; which follows The Title X, Clerics, canons 323-398 by W. B. Soule.

Again, it follows C. Caridi which comments the Title XI, Lay persons (canons 399409). J. Abbass comments on the Title XII, Monks and other religious as well as members of others Institutes of consecrated life (can. 410-572); fallsow R. Mc Dermott with the comment on the Title XIII, Associations of Christian Faithful (can. 573-583). G. Nedungatt takes care of the Title XIV: Evangelization of Peoples (can. 584-594; followed by J. A. Coriden who comments on the Title XV: The ecclesiastical magisterium (can. 595-666).

The Title XVI: Divine Worship and especially the Sacraments, (can. 667-895) possesses the preliminary canons (can. 667-674) with the introduction and exegesis of V. Koluthara; while the Chap. I relating to Baptism (can. 675-691) and Chap. II: Chrismation with Holy Myron (can. 692-697) are commented by S. Payyapilly; then Chapter II: Divine Eucharist (can. 698-717) written by V. Koluthara; followed by V. Palathingal who comments Chapter IV: Sacrament of Penance and Chapter V: Anointing of the Sick (can. 737-742).The Chapter VI: Sacred ordination (can. 743-775) is commented by V. Koluthara followed by P. Gefaell who comments Chapter VII on the Sacrament Marriage (can. 776-866) from the can. 776-842, while cc. 843-866 are commented by S.L. Kirby.
Chapter VIII relating to *Sacramentals, Sacred times and places, veneration of the Saints, a vow and an oath* (can. 867-895) owns the commentary made by R. J. Kaduppi.

The first volume ends with the section relating to Title XVI. In line with the previous criterion of continuity, the second volume of the Commentary begins from p. 1675 with Title XVII *Baptized non-catholics coming into full communion with the Catholic Church* (can. 896-901) by S. Payyappilly, followed by G. Gallar and the Title XVIII: *Ecumenism of fostering the unity of Christians* (can. 902-908).

Before outlining the canons of Title XIX relating to *Persons and juridical acts*, (can. 909935) J. M. Huels introduces the theme with Overview of general norms of the Eastern Code, followed by the comment of Art. I: *Physical Persons* (can. 909-919) and Art. II: *Juridic persons* (can. 920-930), with Chapter II, *Juridic Acts* (can. 931-935). This latest Author commented on the Title XX: *Offices* (Can. 936-978) and Title XXI: *The power of governance* (can. 979-995), while Title XXII: *Recourses against administrative decrees* was written by T. J. Cavanaugh (can. 996-1006).

John A. Renken comments the Title XXIII: *The temporal goods of the Church* (can. 10071054); while title XXIV: *Trials in general* (1055-1184), together with the Title XXV: *The contentious trial* (can. 1185-1356) was written by William L. Daniel followed by Title XXVI *Certain special Processes* (can. 1357-1400) was written by Francis J. Marini, to which three precious appendices have been inserted: Appendix I: *Procedural rules for the handling of Marriage nullity cases*; Appendix II: *Private replies from the Pontifical Council for Legislative Texts*; Appendix III: *Aid to the application of the Motu Proprio Mitis Iudex Dominus Iesus*.

It is then outlined and commented on Title XXVII: *Penal sanctions in the Church* (can. 14011467) and Title XVIII: *The Procedure for Imposing Penalties* (can. 1468-1487) is by F. C.
Easton; followed by J. M. Huels with the Title XXIX (can. 1488-1539), titled *Law, custom and administrative acts* and the Title XXX: *Prescription and the computation of time* (can. 1540-1546).

At the end of the Commentary on can. 1546, last of the CCEO, the justification of having treated the matter of time at the end by the PCCICOR is thus sealed “These canons [on the computation of time], placed at the end of the last title of the future Code, may perhaps be considered by some, even if this was not expressly intended by the Commission, as a sort of reminder of the eternity of salvation, which is not subject to computation and does not need a Code. If so, it is all for the better”. In this way we want to bring out the temporal and a half-temporal perspective of the CCEO, where in CIC 83 the accent is placed on the *salus animarum* and people, but always in a temporality that you realize the eschatology and hope (now and not yet).

The analytical Index of the Code of Canons of the Eastern Churches is by W, Becket Soule (II vol. p. 2795-3056), followed by the *Table of corresponding canons CCEO to CIC* (II vol. p. 3057-3121) and the *Sources of the Code of Canons of the Eastern Churches* by W. Becket Soule (II vol. p. 3123-3210).

Although it might seem pleonastic and filling, I have dwelt on presenting all the sections of the commentary so as not to do any wrong to some and other authors who have collaborated in this powerful work.

This is a wide-ranging practical commentary and as already mentioned, intended not only for practitioners and scholars of canon law of the Eastern Churches, but also ecclesiastical operators, who must approach the Code of Canons of the Eastern Churches for “professional” reasons teaching, but also to all those who work in the field of Latin canon law, together with students, parish priests, ecclesiastical workers and even oriental readers.

Thus this *Practical Commentary* also becomes precious for every *Christifidelis*, especially by virtue of the ecclesial service that
he performs, not only in the exercise of his own rights, but also of those of all the members of the People of God, and subsequently in the implementation of his duties. towards the other Christifideles, when he acts taking into account and participating in the common good of the Church, as required by can. 26 CCEO. Furthermore, for each Christifidelis, both Eastern and Latin, in mixed, common and related matters, there is a clear reference in the CCEO, which reverberates in its juridical action. Indeed, the CCEO on the one hand constitutes the main legislative document of the Eastern Catholic Churches, but together with CIC 83 and the Apostolic Constitution Pastor Bonus they found the modern Corpus Iuris Canonici universae catholicae Ecclesiae. The original oriental specificity of the Code also emerges from the comments, not least the title, with the mention of the canons, alluding to the esteem that the Christian East has for the Sacred Canons. Thus also the structure of the Code that is developed in 30 Titles, like chapters, following the Byzantine classics, which turns out to be very different from that of the CIC in seven Books.

This Practical Commentary as the name itself denotes, has proposed to explain and resolve in a timely and complete way the Code of Canons of the Eastern Churches, to respond with juridical inspiration to its essence, becoming a guide to knowledge, understanding of the essential lines and an aid to the interpretation of the meaning of what is contained in each canon, and according to the dictates of can. 1499 having in mind not only the letter and the text, but also the context and intention of the Supreme Legislator.

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The Commentary has updated with regard to the documents that have been edited after the promulgation of the Code itself, in particular the Apostolic Letter in the form of *motu proprio Omnium in mentem* (by Benedict XVI of October 26, 2009) as well as the *motu proprio Mitis Iudex Dominus Iesus / Mitis et misericors Iesus* (of Pope Francis of 15 August 2015) on the reform of the canonical process for the causes of declaration of nullity of marriage in the Code of Canons of the Eastern Churches; until Apostolic Letter *De concordia inter Codices* in the form of a *motu proprio* (of Pope Francis of 31 May 2016).

Among the valuable elements of this Practical Commentary, not only the official translation of the CCEO from the Latin text (official, authentic and original language of the whole Church) emerge, but also the corresponding Latin canon, the Latin equivalent and the canonical sources. Each CCEO title has an Introduction that, in addition to contextualizing the title itself, participates in the codification process, the mind of the members of the *coetus* in relation to the structuring of the different canons. In this way, the commentary on the individual canons is introduced in a perspective not of simple exposition, or mere criticism, but of clarification according to the intention of the Supreme Legislator, offering simple and clear criteria for transposing the legislation and applying it in the life of the Church.

The commentary for each title and canon makes use of the sources with the necessary references to the *Nuntia* magazine preceded by the counterpart of CIC 83 and the actual comment, up to the Bibliography chosen at the end of each title. Each canon is rigorously analyzed, together with the legal interpretation of the normative text, also attentive to references to particular law, the pastoral echoes above all without forgetting the ecumenical inspiration.

In this sense, the Authors treasure and demonstrate that they have well understood the great turning point implemented with the Second Vatican Council regarding the Eastern Churches and the problem of ecumenism.
The last part of vol. II, where by W. B. Soule the analytical index of the CCEO consisting of 261 pages is exposed to the reader; follows the synoptic table of the canons of the CCEO with those of CIC 83 which is inspired and reproduces substantially by p. 117 on p. 214 the text by Carl G. Fürst, *Canones Synopse zum Codex Iuris Canonici und Codex Canonum Ecclesiarum Orientalium* (Freiburg: Herder 1992).

The sources of CCEO always follow by W. B. Soule, bearing in mind the m.p. *Crebrae allatae sunt* (of Pius XII of February 22, 1949); the m.p. *Sollicitudinem nostram* (of Pius XII of 06 January 1950); the m.p. *Postquam Apostolicis Litteris* (by Pius XII of 09 February 1952); finally the m.p. *Cleri sanctitati* (of Pius XII of 02 June 1957). The conciliar sources follow, where also those of the *Quinisextus Council*, otherwise known as the *Trullo Council* of 691, until a few years ago considered non-ecumenical, thus arriving at the Second Vatican Council where the contributions of all the documents of the same assembly are practically detectable.

In this extensive and interesting appendix, the analysis of the sources continues, presenting those that derive from the Roman Pontiffs (p. 3151-3168) and from the particular Synods and Councils (p. 3169-3187); still follow the sources of the Synod of Bishops of the universal Church (p. 3188), and finally those coming from the Roman Curia (p. 3189-3198). Among the numerous sources there are also those of the Holy Fathers and ecclesiastical writers (p. 31993203) and those of the Civil Law Collections from the *Institutiones* (533) to the *Digesta* (533), the Codex (534), the *Novellae* and the *Basilica*. Only two quotations from the New Testament close this part of the sources: Acts 15:18 with reference to can. 896 and 2Tim. 4.2 relating to can. 1401.

The authors of the various parts of the commentary, as mentioned, are experts in the subject and in the various sections of the Code, thus becoming a guarantee for the reader who thus has the possibility not only to understand and enter into the whole of the law of the Eastern
Churches, through their competence, but also to clarify those obscure points, or by eliminating secondary elements. In fact, the discussion takes into account the sources, the various passages in the history of codification, up to the text of the comment, together with the solution of the various comparative problems with CIC 83, so, we can perceive the oriental spirit of the CCEO. The volume wanted to show not only the legislative-canonical *animus* typical of the Eastern Churches, but also outline the historical data on the one hand and perspective on the other, through the application of common law in a context of *sui iuris* and local Churches, referring in many parts to the legislative work of the lower authorities.

Certainly the work team of the numerous and qualified authors can give help to the deepening of the law of the Eastern Churches in an evolutionary key, cooperating in the constitutive and day to day life of the Churches *sui iuris* and particular Churches and in a framework of communion and ecumenism. In many parts the CCEO has left a legislative competence proper to particular instances. So that, the Church can implant and increase the *salus animarum* in *koinonia*, both in chronological time and in *kairós*. It is thus recognized and confirmed that this work certainly prepares a new, reliable and useful tool for the knowledge, the correct interpretation and systemic analysis of the canons of law of the Eastern Catholic Churches, at the same time also preparing a safe and practical aid for their application.

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