

MISCELLANEOUS MATTERS

I. Canonical Issues in the Relationship between the Latin Church and Eastern Catholic Churches

Since the Eastern Catholic Churches quite often have distinct canonical and liturgical practices that differ from our own, it is possible for a Latin priest or deacon to be confused about what should be done in a particular instance. Knowledge of Eastern Catholic canonical practice and pastoral sensitivity usually alleviate tensions which sometimes arise.

A. Determination of the proper diocesan Bishop:

1. If there is an Eastern Catholic Bishop appointed for a certain Eastern Catholic community, all the members of that community throughout the U. S. are subject to his exclusive jurisdiction. The jurisdiction of a Latin diocesan bishop in the U. S. is usually territorial.
2. If there is not Bishop appointed for a certain Eastern Catholic community, members of that community fall under the jurisdiction of the local Latin Ordinary, who is competent to grant any dispensation that is needed.

B. Determination of the proper pastor:

1. Eastern Catholic faithful with established parishes are entrusted to the pastoral care of the local Eastern Catholic pastor. (For example, the Ruthenian faithful throughout the Twin Cities area are entrusted to the pastoral care of the pastor of St. John the Baptist Church in Minneapolis.)
2. Members of Eastern Catholic Churches without a pastor of their own rite are entrusted to the pastoral care of the local Latin pastor. If there is some doubt about the

MISCELLANEOUS MATTERS

agree, the child may be baptized in either the rite of the father or of the mother and so becomes a member of that autonomous Church. When there is no agreement, the child is baptized in the rite of the father and becomes a member of that autonomous Church.

- (3) If the child is born of a Catholic and a non-Catholic parent, the child is to be baptized in the autonomous Church of the Catholic parent.

- b. Non-baptized persons over the age of fourteen are free to choose any autonomous Church for baptism, and so become members of the Church they choose.

2. Confirmation:

- a. It is the ordinary practice of the Eastern Churches (both Catholic and Orthodox) to confirm a child immediately after baptism. It is, therefore, important for a Latin priest to make sure that a child who is a member of an Eastern Church and attends a Latin parochial school does not invalidly repeat the Sacrament of Confirmation.
- b. This mistake can be avoided if a baptismal certificate is obtained from the Eastern Catholic parish and is read carefully. Pastors should instruct those preparing children for Confirmation to obtain the baptismal certificates early; if the child is a member of an Eastern Catholic parish, the baptismal certificate will also record the reception of Confirmation.

3. Holy Communion:

- a. A child who is a member of an Eastern Church should ordinarily receive preparation for First Holy Communion from the pastor of that Church. If the parents belong to an Eastern Catholic Church that does not have an established parish in the area, a Latin Church cleric or his delegate prepares and administers First Holy Communion to the child.
- b. It is always true that whenever any rightly disposed Catholic approaches a priest or deacon of the Latin or Eastern Church, communion can be freely given and received.

4. Penance:

Catholic priests who have received from their proper Ordinary the faculty for administering the Sacrament of

MISCELLANEOUS MATTERS

Penance may exercise it everywhere in the world unless the local Bishop has expressly denied it in a particular case.

5. Anointing of the Sick:

Anointing of the sick and viaticum may be requested from any Catholic priest, but the pastor, chaplain or superior of the recipient should be informed.

6. Marriage:

a. Determination of the proper minister:

- (1) A priest or deacon of the Latin Church can validly assist at a marriage only if one of the parties is a member of the Latin Church.
- (2) If both parties are members of an Eastern Church, or if one of the parties is a member of an Eastern Church and the other a non-Catholic, the Latin pastor has no competency to assist at the marriage. If it is desirable that a Latin priest assist at such a marriage, then the dispensation and delegation must be obtained from the proper Eastern Catholic eparchial Bishop, and permission for the marriage to be celebrated in the Latin rite must be obtained from the Apostolic Nuncio.
- (3) If one party is an Eastern Catholic and the other non-baptized, permission must be obtained from the Apostolic See before a Latin priest may assist at the marriage.
- (4) When an Eastern Catholic Church has not been established in the Diocese and a member of that Church wishes to marry, the local Latin pastor can validly and lawfully assist at the marriage. If one party is of the Latin Church, the Latin Ordinary may grant dispensations that are needed. In those cases where neither party is a member of the Latin Church, all dispensations must be obtained from the proper Eastern Catholic eparchial Bishop, if one is established in the United States.

b. Impediments:

- (1) Both parties to a marriage must be free from all impediments before they are able to marry validly; if either party is impeded, the marriage is invalid. Cases where two Catholics

MISCELLANEOUS MATTERS

are members of different autonomous Churches require that the law of both Churches be observed.

- (2) Consanguinity: The Latin Code states that consanguinity invalidates a marriage up to the fourth degree inclusive (first cousins). The Eastern Code states that the impediment extends to the sixth degree for validity (second cousins). In a marriage, therefore, involving a Latin party and an Eastern Catholic party who are second cousins, a dispensation is required for validity.
- (3) Spiritual relationships: A spiritual relationship exists between the godparents and the godchild, but it is no longer an impediment to marriage in the Latin Church. It continues to be an impediment in Eastern Catholic canon law.
- (4) Criminal adultery: The impediment of criminal adultery is found in the law of the Eastern autonomous Churches, but not in the Latin Church. It arises when a spouse commits adultery with another person and, at the same time, promises marriage or attempts even a civil marriage. Such a situation is not a rare occurrence today. For example, after obtaining a civil divorce, a party remarries before a civil magistrate or a non-Catholic minister. When the former spouse dies and the couple wants to convalidate their marriage, a dispensation is needed if the spouse who committed adultery belongs to an Eastern Catholic Church.

c. Canonical form of marriage:

- (1) In the Eastern Churches, besides the giving and receiving of canonical consent by the priest before two witnesses, there must also be celebrated a sacred rite: the assistance and blessing of the priest.
- (2) Though a deacon cannot validly assist at the marriage of a couple, both of whom are members of Eastern Churches, it is a canonical opinion that a deacon who assists at a marriage between a member of the Latin Church and a member of an Eastern Catholic Church validly and lawfully assists at the marriage.

MISCELLANEOUS MATTERS

- (3) A member of the Latin Church who marries an Eastern non-Catholic in an Eastern non-Catholic Church is validly married. For lawfulness, however, the promises must be made by the Catholic party, and a dispensation from canonical form must be obtained from the proper Latin Ordinary.