



# SALA STAMPA DELLA SANTA SEDE BOLLETTINO

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## The Motu Proprio responds to the desire to facilitate pastoral care for the faithful, especially in the diaspora, says the secretary of the Pontifical Council for Legislative Texts

Bishop Juan Ignacio Arrieta, secretary of the Pontifical Council for Legislative Texts, explains the central points of the Motu Proprio "De Concordia Inter Codices", published today.

"From a reading of the Motu Proprio", writes Bishop Arrieta, "it immediately comes to our attention that the motivation for these reforms responds to the desire to facilitate pastoral attention to the faithful, especially in the so-called places of the diaspora, where in areas with a Latin majority, there live thousands of Oriental faithful have left their land of origin.

Indeed, to this there may be added the conviction that, wishing to harmonise the two Codes in the pastoral matters most in need of clarification, it was enough to limit the modifications to some texts of the Latin Code, without the need to touch the Oriental one. It is precisely this that is established by Pope Francis' recent Motu Proprio, accepting the proposal to modify the canons approved in the Plenary Session of the Pontifical Council for Legislative Texts of 31 May 2012.

A first line along which there develop the amendments now incorporated in the Latin Code is that of giving certainty with regard to the *sui iuris* Church to which the faithful belong, beginning with newly-baptised children. In this sense, it reaffirms the criterion that the child belongs to the *sui iuris* Church of the Catholic parent, and introduces the obligation to indicate the Church to which the child belongs on the parish register of baptisms.

With regard to the possible transfer to another *sui iuris* Church, the new canon 112 § 3 CIC, which previously did not exist, inspired substantially by canons 36 and 37 CCEO, demands that other than by specific dispensation, in these cases a formal act of transfer be provided for, before the competent authority, and that the so-called change be recorded also in the book of baptismal registers, consequently modifying canon 535 § 2 CIC that indicates the issues to be recorded in the aforementioned register.

A second line followed by these amendments, intended to clarify definitively the two problems regarding the celebration of marriage between Oriental faithful. The first relates to canon 834 § 2 CCEO, which requires *ad validitatem* the blessing of such unions by a priest, while in the Latin discipline, since the Motu Proprio *Sacrum*

*diaconatum ordinem*, of 18 June 1967, deacons are also permitted to act as qualified witnesses to marriage.

Above all, after the promulgation of the two Codes, attempts have been made on various occasions to resolve this discrepancy, without ever achieving concrete results. In this opportunity it is hoped that the matter may be faced by establishing a positive disciplinary legislation that resolves the question, adding a new § 3 to canon 1108 CIC: "Only the priest may validly assist at marriage between oriental parties or between a Latin party and an oriental, Catholic or non-Catholic party".

Alongside this, the Latin Code poses the question of jurisdictional legitimacy for the assistance of the parish at the marriage of subjects. The drafting of canon 1109 CIC could lead one to think – and it is thus interpreted in some places – that the priest could not assist at the marriage of two Oriental faithful, even if they were his subjects, if neither of the two belonged to the Latin Church. The wording was unclear and the conclusion not entirely consistent. Instead, the text of canon 829 § 1 CCEO was far more precise, and so it was therefore decided to adopt the same wording and to correct the final text by removing the less clear phrases of canon 1109 CIC.

A third area of reform regards the legitimate participation of Latin ministers in the celebration of the sacraments of Orthodox faithful, in the case of both baptisms and marriages. Here there also lacked the provisions of the Latin discipline regarding these contingencies that, instead, were present in the Oriental text. The migratory flow of recent decades has made it essential that it be adopted also in the Latin Church.

A point of discrepancy also relates to the relatively frequent request to Latin priests to administer baptism to the children of non-Catholic Oriental Christians. While a strict reading of canon 868 § 1 CIC suggests that baptism in this case would not be legitimate, canon 681 § CCEO considered that the Oriental priest may legitimately perform the rite. This latter text is the one that now constitutes the new § 3 added to the Latin canon, along with the appropriate modifications inserted in other places throughout the text.

A similar question is posed by the celebration of marriage. Canon 833 CCEO provides that the Hierarchy of the place may confer to a Catholic priest the possibility of blessing the marriage of two Orthodox faithful, upon informing, if possible, the competent authority. In the Latin discipline there lacked, however, a provision of this type, since it was an issue that emerged far more frequently in countries where the Orthodox hierarchy of the rite concerned was not present. Also in this case it appeared appropriate to introduce into canon 116 CIC a new § 3, with the same requirements as the Oriental discipline, so that also Latin priests with the faculty of their Ordinary and the remaining conditions are able to bless marriages between Orthodox faithful who request it spontaneously.

To these changes, limited to strictly necessary points, very slight modifications have been added elsewhere to clarify some concepts or remissions, to guarantee compliance with the amendments in other normative contexts. Overall, as can be seen from the papal measure, the variations affect eleven canons of the Code of Canon Law".

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