

- The shortest book
- Rules for acquisition, disposition and administration of the church's money, land, buildings, and the rules for wills and bequests
- 6. Sanctions in the church
 - Acts which are considered crimes in the church and their appropriate punishments
 - Has its own criminal code but no prison
- 7. Procedures
 - Talks about the juridical processes used for trials in church courts, as well as some specialised administrative procedures (e.g. nullity of marriage)
 - Some criminal processes too

Scope of the code

- It only applies to the latin or western church, not the eastern or oriental churches (canon 1)
- The canons of the code prevail over contrary customs unless the code provides for their continuance
- The code replaces the previous one, any universal or particular laws contrary to it, any penal laws issued previously by the Apostolic See, and any disciplinary rules regarding a matter which the code reorders

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- The secretary has to communicate to all cardinals that the pope is dead, and send official documents to sign
- Once everyone accepts the invitation, the state of sede vacante starts
- During this period all offices except the secretary of state stop functioning
- Cardinals arrive in Rome and go to the Sistine Chapel to be locked in for conclave, and can vote a maximum of 4 times a day
- The election usually has "preferiti" but technically it could be anyone
- A majority vote has to be an absolute majority, and they cannot discuss the election with anyone else
- The voting papers are put in a fire with a powder, with black smoke signalling no consensus and white smoke signalling a new pope having been chosen
- Then the chosen cardinal has to actually accept the position of papacy

The College of Bishops

- The subject of supreme and full power in the universal church
- The college constitutes the highest teaching authority of the church, with the duty of proclaiming the gospel with respect to the universal church
- Acts as a body of people most effectively when it forms an ecumenical council

The Synod of Bishops

- Synod means a coming together, or a meeting
- It is a representative gathering of the bishops of the world, in contrast to the total membership of the college of bishops which convenes at an ecumenical council
- The members are elected by the national conference of bishops all over the world
- General sessions have been held in Rome roughly every 3 years, and have treated topics such as the family, religious life, and ministerial priesthood
 - o Only this general session can actually create legislation
- Special sessions have been held to consider the needs of particular regions of the world, such as Europe or Africa
 - o These cannot create legislation unless the code requires it
- Neither of the sessions are obligatory
- There are 3 purposes to the synod of bishops:
 - o To foster close ties between the bishops and the pope
 - o To advise the pope on matters of faith, morals and church discipline
 - o To consider the activities of the church in the world
 - o Canon 342
- Synods take various forms (general or special) and so the particular members differ too

The College of Cardinals

- This is the group of bishops that elects the pope
- The title of cardinal is largely honorific even though it is considered the highest dignity in the church after the papal office
- There are usually around 120 cardinals, and only those under 80 may vote in papal elections

- More than 120 cardinals cannot vote
- Pope has to take care when nominating cardinals to make sure this number stays roughly the same
- Canon 351: cardinals are freely chosen by the pope
- Those chosen are usually archbishops of major archdioceses throughout the world or prominent members of the Roman Curia

The Roman Curia

- This is the collective name for the complex of secretariats, congregations, tribunals, councils and offices that assist the pope in the exercise of his pastoral office of service to the churches that make up the roman catholic communion
- The curia today is the large administrative apparatus which carries out the ordinary business of the church's central office
- Its agencies are headed by cardinals and staffed by hundreds of people, mostly consisting of priests and bishops
- There are nine congregations (committee that heads each office) each with responsibility for an area of the church's life – e.g. doctrine, worship and sacraments, clergy, etc.
- There are also 3 judicial bodies, and several councils for various causes, and offices for administration of funds and properties
- The term the "Holy See" refers to both the pope and the roman curia together
- The curial agencies are largely administrative, but don't have legislative authority despite acting in the name of the pope
- Each agency of the curia has its own set of internal rules

Legates of the Roman Curia

- The pope has the right to send permanent representatives to the particular churches in various nations, and to governments
- These people are not the pope's personal emissaries or agents of Vatican state, but are simply official representatives of the head of the roman catholic church
 - They are also recognised as such under international law
- The holy see also sends delegates or observers to international bodies (like the UN or EU) and to international meetings or conferences
- A papal legate who has official relations with both the church and the government of a country is called a "nuncio"
 - One who relates to the church but is not recognised by the civil government is called a "delegate"

Book 2 Part 2 – Particular churches and their groupings

Dioceses and bishops

- The canons define a diocese as a portion of the people of god, which comes from the Vatican second council

Book 4 Part 1 – the Eucharist

- In the Eucharist Christ himself is contained, offered and received
- It is the summit and source of all Christian worship and life
- It signifies and brings about the unity of God's people; it builds up the body of Christ; it is the memorial of the death and resurrection of the Lord
- Canon 898: the faithful are to hold the Eucharist in highest honour, actively participating in its celebration, receiving it frequently and devoutly, and worshipping it
- It exists in 3 forms or modes:
 - o A liturgical celebration – the sacrifice of the mass
 - o Food and drink, holy communion as the body and blood of Christ, received as bread and wine
 - o The reserved species, an object of veneration
- Minister:
 - o This may solely be an ordained priest
- Participation:
 - o Any baptised person who is not prohibited by canon law can and must be admitted to holy communion – it is a fundamental right of the faithful
 - o Children should have adequate knowledge and careful preparation to be admitted
- It must be reserved in a holy place before an altar

Book 4 part 1 – penance

- The faithful confess their sins to the church's minister, express their sorrow for them, and state their intention to reform
- They obtain forgiveness from God for their sins through the absolution of the minister, and are thereby reconciled with the church
- The canon's focus is on one type, namely private confession – the reconciliation of individual penitents
- Minister:
 - o Only a priest is the minister of the sacrament of penance
 - o He must have, in addition to the power received through ordination, the faculty to exercise that power over the penitent (received from the church authority)
- When someone is in danger of death, any presbyter can validly and licitly absolve that person, whether they have the faculty to or not
- This sacrament involves a special level of confidentiality; a seal which is inviolable
- Penitents are obliged to confess their serious sins at least once a year

Book 4 part 1 – anointing of the sick

- The church commends to the suffering and glorified Lord to faithful who are seriously ill, so that he might alleviate their suffering and save them
- It was formerly known as "last anointing", and was reserved for people at the point of death
- The Second Vatican Council restored the sacrament to its earlier purpose, namely prayer, support, and healing for those who are seriously ill
- Ministers:
 - o Only a priest can anoint people and should carry oil just in case of necessity

- Ordered to the good of the spouses and to the procreation and education of children
- Between baptised people to the dignity of a sacrament
- The word covenant is important as it emphasises the importance of marriage and re-establishes the ancient view of Christianity (marriage is also a contract too)
- Canon 1056: the essential properties of marriage are unity and indissolubility
- It is made by the consent of the two parties, and be expressed between two people who are capable of giving it
 - Refers back to canon 219 saying that all Christian faithful have the right to freely choose their own way of life
- Canon 1057: consent is defined as the act of the will by which a man and a woman, in an irrevocable covenant, give and receive each other in order to make a marriage
 - So sharing their lives and accepting each other for who they are
- A life partnership by free, mutual consent
- Canon 1058: all people not prohibited by law can be married
- Civil authority has competence over the civil effects of marriage, such as changing names
- Valid marriages are only called “ratified” until the partners have had sex, after which it becomes “consummated” and cannot be dissolved by any human power or for any reason except for death
- Couples are urged to be confirmed before marriage
- It must first be established that nothing stands in the way of a valid marriage and its licit celebration, and this is the pastor’s responsibility
- Diriment impediments (canons 1083-1094) render a person incapable of contracting marriage validly and the code lists 12 of them:
 - Age – a man under 16 or a woman under 14
 - Impotence – inability to have sex as a permanent condition existing before the marriage, so if you lie about this it is invalid
 - Prior bond – still bound by an existing valid marriage
 - Disparity of cult – one partner is baptised catholic and the other isn’t baptised, though this can be dispensed in certain circumstances
 - Orders – people who have been ordained
 - Vows of chastity
 - Abduction – a man abducting a woman in order to marry her can’t marry her validly, until she has been freed and willingly agrees to marry him
 - Coniugicide – one who causes the death of one’s own spouse or that of another, or conspires with someone to kill one of their spouses in order to marry
 - Consanguinity – blood relatives in the line of direct descendants or the collateral line (brother, aunts, etc.) up to and including the fourth degree of separation is invalid
 - Affinity – relatives by marriage in all degrees of the direct line, ancestors or descendants are invalid
 - Public propriety – those who have lived together in an invalid marriage or in public concubinage may not in future marry one another’s’ blood relatives in the 1st degree
 - Adoption – legal relationship resulting from adoption in the 1st degree of the direct line and 2nd degree of the collateral line
- Some of the marriage impediments can be relaxed by church authority (dispensed) for a good reason e.g. disparity of cult
- The impediments that can be dispensed are the ones that result from human made rules, but the ones from divine law e.g. impotence cannot

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BOOK 6 – SANCTIONS IN THE CHURCH

Introduction

- The Vatican second council paid a lot of attention to this book in terms of reform
- It consists of punishments for Christians committing a crime
- Sanctions can fall under 3 categories and ideals:
 - o Re-education
 - o Retribution
 - o Restorative justice – this is the one found in canon law
- The church is a community in which every member is acknowledged to be a sinner as well as a saint
- Punitive action is sometimes required for the good of the individual offender and for the integrity of the community, and its spirit
- There are 2 purposes of penalties in the church:
 - o The conversion, repentance and reconciliation of the offending person
 - o The restoration of justice and repair of scandal
 - o There is no hierarchy between these two points
- Punishment is a last resort, and leniency and mercy should temper the severity of a canonical penalty
- Canon 1311: the church claims the right to punish its offending members with penal sanctions
- Not every mistake, sinful action or violation of a canon can be punished by church authority
- 3 essential elements to a canonical offense:
 - o It is an external violation
 - o Which is gravely imputable to the person by reason of deliberate intent or culpable negligence
 - o Or, law of precept to which a penalty is attached
 - o Canon 1321
- An external violation is in the realm of the church's public life, not in one's own conscience

Book 6 Part 1 – delicts and penalties in general

- Laws are general rules issued for the entire community
- Precepts are orders given to individuals or specific groups by those with executive authority
- The pope can add to or alter these rules for the universal church, and he can issue penal precepts too
- Penal regulations may be given for particular churches e.g. dioceses
- Those who have legislative authority e.g. bishops can make penal laws, but they should do so sparingly and such laws should be interpreted narrowly in order to protect the rights of alleged offenders
- Those who have executive authority, e.g. bishops and major superiors of clerical religious communities, can issue precepts with penalties attached, but should do so rarely and after mature consideration
- Imputability is presumed, unless it is evident that the person was not imputable