



THE CODE OF CANON LAW OF THE AMERICAN CATHOLIC CHURCH IN THE UNITED STATES

BOOK I

GENERAL NORMS

Can. 1 The salvation of souls is always the supreme law of the Church.

Can. 2 The canons of this Code concern the whole Church.

Can. 3 For the most part the Code does not determine the rites to be observed in the celebration of liturgical actions.

TITLE I: CHURCH LAWS

Can. 4 A law comes into being when it is ratified and promulgated.

Can. 5 Particular laws are promulgated in the manner determined by the legislative body and/or person; they begin to oblige one month from the date of promulgation, unless a different period is prescribed in the law itself.

Can. 6 Laws concern matters of the future, not those of the past, unless provision is made in them for the latter by name.

Can. 7 Laws bind those who were baptized in the Church or received into it.

Can. 8 Vagi are bound by the laws which are in force in the place in which they are present.

Can. 9 Laws do not oblige when there is a doubt of law.

Can. 10 Ignorance or error of laws does not prevent the effect of those laws, unless it is expressly provided otherwise.

Can. 11 Laws are authentically interpreted by the legislative body and/or by that person to whom the legislative body entrusts the power of authentic interpretation.

Can. 12 Laws are to be understood according to the proper meaning of the words considered in their text and context.

Can. 13 Laws which prescribe a penalty, or restrict the free exercise of rights, or contain an exception to the law, are to be interpreted strictly.

Can 14 The American Catholic Church in the United States affirms the proper application of *Epikēia* and *Oikonomia* according to the traditions of both the Western and Eastern Churches.

§ 1 The premise on which the concept is based is that the legislator cannot take into account every individual human circumstance. Yet the applicability of a particular law to a particular individual should take into account the exact circumstances of that individual. The concept of *epikeia* is that the legislator would conclude were he aware of these individual circumstances that the law would not apply in that particular case, or would not apply in all its provisions. *Oikonomia* means the application of God's unconditional love for people in a certain situation by accepting the standing rules which are overwritten in these circumstances.

§ 2 *Epikēia* and *Oikonomia* apply only to positive human law.

§ 3 Its use must involve something posing a sudden risk that needs immediate remedy.

§ 4 Certain limits are imposed upon its use:

1⁰ In cases of doubt it must not be used. Instead, one must act according to the letter of the law and consult the proper authority.

2⁰ It cannot be applied to incapacitating and invalidating laws, or irritant laws, whose universal observance is demanded by the common good.

3⁰ It cannot be applied to laws originating from the Divine law, and the laws governing jurisdiction are demonstrably of Divine origin as shown above.

4⁰ It should be appealed to only in absolute necessity.

5⁰ It must therefore be used with great prudence.

6⁰ Great care should be taken to avoid acting out of self-interest or against the common good.

7⁰ Habitual and general use of *epikeia* is an obvious abuse.

TITLE II: CUSTOM

Can. 15 A custom introduced by a community of the faithful has the force of law only if it has been approved by the legislative body or legislator, in accordance with the following canons.

Can. 16 § 1 No custom which is contrary to divine law can acquire the force of law.

§ 2 A custom which is contrary to or apart from canon law, cannot acquire the force of law unless it is reasonable.

Can. 17 No custom acquires the force of law unless it has been observed, with the intention of introducing a law, by a community capable at least of receiving a law.

Can. 18 Custom is the best interpreter of laws.

TITLE III: GENERAL DECREES AND INSTRUCTIONS

Can. 19 General decrees, by which a competent legislative body or legislator makes common provisions for a community capable of receiving a law, are true laws and are regulated by the provisions of the canons on laws.

Can. 20 A general decree, as in can. 18, cannot be made by one who has only executive power, unless in particular cases this has been expressly authorized by the competent legislative body or legislator.

Can. 21 § 1 Instructions, namely, which set out the provisions of a law and develop the manner in which it is to be put into effect, are given for the benefit of those whose duty it is to execute the law, and they bind them in executing the law. Those who have executive power may, within the limits of their competence, lawfully publish such instructions.

§ 2 The regulations of an instruction do not derogate from the law, and if there are any which cannot be reconciled with the provisions of the law they have no force.

§ 3 Instructions cease to have force not only by explicit or implicit revocation by the competent authority who published them or by that authority's superior, but also by the cessation of the law which they were designed to set out and execute.

TITLE IV: SINGULAR ADMINISTRATIVE ACTS

CHAPTER I: COMMON NORMS

Can. 22 Within the limits of his or her competence, one who has executive power can issue a singular administrative act.

Can. 23 § 1 An administrative act is to be understood according to the proper meaning of the words and the common manner of speaking. In doubt, a strict interpretation is to be given to those administrative acts which concern litigation or threaten or inflict penalties, or restrict the

rights of persons, or harm the acquired rights of others, or run counter to a law in favor of private persons; all other administrative acts are to be widely interpreted.

§ 2 Administrative acts must not be extended to cases other than those expressly stated.

Can. 24 An administrative act should be in writing.

Can. 25 An administrative act does not cease on the expiry of the authority of the person issuing it, unless the law expressly provides otherwise.

Can. 26 The revocation of an administrative act by another administrative act of the competent authority takes effect only from the moment at which the person to whom it was issued is lawfully notified.

CHAPTER II: RESCRIPTS

Can. 27 § 1 A rescript is an administrative act issued in writing by a competent authority, by which of its very nature a privilege, dispensation or other favor is granted at someone's request.

§ 2 Unless it is otherwise established, provisions laid down concerning rescripts apply also to the granting of permission and to the granting of favors by word of mouth.

Can. 28 No one is obliged to use a rescript granted in his or her favor only, unless bound by a canonical obligation from another source to do so.

CHAPTER III: PRIVILEGES

Can. 29 § 1 A privilege is a favor given by a special act for the benefit of certain persons, physical or juridical; it can be granted by the legislative body, legislator, and by an executive authority to whom the legislative body or legislator, has given this power.

Can. 30 § 1 A privilege is presumed to be perpetual, unless the contrary is proved.

§ 2 A personal privilege, namely one which attaches to a person, is extinguished with the person.

Can. 31 § 1 No privilege ceases by renunciation unless this has been accepted by the competent authority.

§ 2 Any physical person may renounce a privilege granted in his or her favor only.

Can. 32 A privilege is not extinguished on the expiry of the authority of the person who granted it, unless it was given with the clause at our pleasure or another equivalent expression.

Can. 33 A privilege which does not burden others does not lapse through non-use or contrary use; if it does cause an inconvenience for others, it is lost if lawful prescription intervenes.

Can. 34 § 1 A privilege ceases on the expiry of the time or the completion of the number of

cases for which it was granted.

§ 2 It ceases also if in the judgment of the competent authority circumstances are so changed with the passage of time that it has become harmful, or that its use becomes unlawful.

Can. 35 A person who abuses a power given by a privilege deserves to be deprived of the privilege itself. Accordingly, after a warning which has been in vain, the competent authority, if it was he or she who granted it, is to deprive the person of the privilege which he or she is gravely abusing.

TITLE V: STATUTES AND ORDINANCES

Can. 36 § 1 Statutes properly so called are regulations which are established in accordance with the law in aggregates of persons or of things, whereby the purpose, constitution, governance and manner of acting of these bodies are defined.

§ 2 The statutes of an aggregate of persons bind only those persons who are lawfully members of it; the statutes of an aggregate of things bind those who direct it.

§ 3 The provisions of statutes which are established and promulgated by virtue of legislative power, are regulated by the provisions of the canons concerning laws.

Can. 37 § 1 Ordinances are rules or norms to be observed both in assemblies of persons, whether these assemblies are convened by Church authority or are freely convoked by the faithful, and in other celebrations: they define those matters which concern their constitution, direction and agenda.

§ 2 In assemblies or celebrations, those who take part are bound by these rules of ordinance.

TITLE VI: PHYSICAL AND JURIDICAL PERSONS

CHAPTER I: THE CANONICAL STATUS OF PHYSICAL PERSONS

Can. 38 By baptism one is incorporated into the Church of Christ and constituted a person in it, with the duties and the rights which, in accordance with each one's status, are proper to Christians, in so far as they are in Church communion and unless a lawfully issued sanction intervenes.

Can. 39 § 1 A person who has completed the eighteenth year of age, has attained majority; below this age, a person is a minor.

§ 2 A minor who has not completed the seventh year of age is called an infant and is considered incapable of personal responsibility; on completion of the seventh year, however, the minor is presumed to have the use of reason.

Can. 40 § 1 A person who has attained majority has the full exercise of his or her rights.

§ 2 In the exercise of rights a minor remains subject to parents or guardians, except for those

matters in which by divine or by canon law minors are exempt from such authority.

Can. 41 Whoever habitually lacks the use of reason is considered as incapable of personal responsibility and is regarded as an infant.

CHAPTER II: JURIDICAL PERSONS

Can. 42 § 1 The Church has the status of a moral person by divine disposition.

§ 2 In the Church, besides physical persons, there are also juridical persons, that is, in canon law subjects of obligations and rights which accord with their nature.

Can. 43 § 1 Aggregates of persons or of things which are directed to a purpose befitting the Church's mission, which transcends the purpose of the individuals, are constituted juridical persons either by a provision of the law itself or by a special concession given in the form of a decree by the competent authority.

§ 2 The purposes indicated in § 1 are understood to be those which concern works of piety, of the apostolate or of charity, whether spiritual or temporal.

§ 3 The competent Church authority is not to confer juridical personality except on those aggregates of persons or of things which aim at a genuinely useful purpose and which, all things considered, have the means which are foreseen to be sufficient to achieve the purpose in view.

Can. 44 § 1 Juridical persons in the Church are either aggregates of persons or aggregates of things.

§ 2 An aggregate of persons, which must be made up of at least three persons, is collegial if the members decide its conduct by participating together in making its decisions, whether by equal right or not, in accordance with the law and the statutes; otherwise, it is non-collegial.

§ 3 An aggregate of things, or an autonomous foundation, consists of goods or things, whether spiritual or material, and is directed, in accordance with the law and the statutes, by one or more physical persons or by a college.

Can. 45 § 1 Public juridical persons are aggregates of persons or of things which are established by the competent Church authority. so that, within the limits allotted to them in the name of the Church, and in accordance with the provisions of law, they might fulfill the specific task entrusted to them for the public good. Other juridical persons are private.

§ 2 Public juridical persons are given this personality either by the law itself or by a special decree of the competent authority expressly granting it. Private juridical persons are given this personality only by a special decree of the competent authority expressly granting it.

Can. 46 No aggregate of persons or of things seeking juridical personality can acquire it unless its statutes are approved by the competent authority.

Can. 47 In regard to collegial acts, unless the law or the statutes provide otherwise:

1 ° in regard to elections, provided a majority of those who must be summoned are present, what is decided by an absolute majority of those present has the force of law. If there have been two inconclusive scrutinies, a vote is to be taken between the two candidates with the greatest number of votes or, if there are more than two, between the two senior by age. After a third inconclusive scrutiny, that person is deemed elected who is senior by age.

2° in regard to other matters, provided a majority of those who must be summoned are present, what is decided by an absolute majority of those present has the force of law. If the votes are equal after two scrutinies, the person presiding can break the tie with a casting vote;

3° that which affects all as individuals must be approved by all.

Can. 48 A juridical person is by its nature perpetual.

TITLE VII: JURIDICAL ACTS

Can. 49 § 1 For the validity of a juridical act, it is required that it be performed by a person who is legally capable, and it must contain those elements which constitute the essence of the act, as well as the formalities and requirements which the law prescribes for the validity of the act.

§ 2 A juridical act which, as far as its external elements are concerned, is properly performed, is presumed to be valid.

Can. 50 § 1 An act is invalid if performed as a result of force imposed from outside on a person who was quite unable to resist it.

§ 2 An act performed as a result of fear which is grave and unjustly inflicted, or as a result of deceit, is valid, unless the law provides otherwise. However, it can be rescinded by a court judgment, either at the' instance of the injured party or that party's successors in law, or ex officio.

Can. 51 Whoever unlawfully causes harm to another by a juridical act, or indeed by any other act which is deceitful or culpable, is obliged to repair the damage done.

TITLE VIII: POWER OF GOVERNANCE

Can. 52 Those who serve Christ, be they clergy or lay, are capable of the power of governance in accordance with the provisions of law.

Can. 53 Of itself the power of governance is exercised for the external forum; sometimes however it is exercised for the internal forum only, but in such a way that the effects which its exercise is designed to have in the external forum are not acknowledged in that forum, except in so far as the law prescribes this for determinate cases.

Can. 54 Ordinary power of governance is that which by virtue of the law itself is attached to a given office; delegated power is that which is granted to a person other than through an office.

Can. 55 Governance attached to offices should be strictly understood according to the law.

Can. 56 § 1 A delegate who exceeds the limits of the mandate, with regard either to things or to persons, performs no act at all.

§ 2 A delegate is not considered to have exceeded the mandate when what was delegated is carried out, but in a manner different to that determined in the mandate, unless the-manner was prescribed for validity by the delegating authority.

§ 3 A delegation expires when its function is completed; on the death or the delegee; or the end of the sources power to delegate except as provided by law.

Can. 57 § 1 The power of governance is divided into legislative, executive and judicial power.

§ 2 Legislative power is to be exercised in the manner prescribed by law. A lower legislator cannot validly make a law which is contrary to that of a higher legislator.

§ 3 Judicial power, which is possessed by judges and judicial colleges, is to be exercised in the manner prescribed by law, and it cannot be delegated except for the performance of acts preparatory to some decree or judgment.

§ 4 As far as the exercise of executive power are concerned; the provisions of the following canons are to be observed.

Can. 58 Persons may exercise executive power over their persons entrusted to their care and for the salvation of souls.

Can. 59 § 1 Ordinary executive power can be delegated either for an individual case or for all cases, unless the law expressly provides otherwise.

§ 2 Executive power delegated by the legislating authority/legislator can be subdelegated, either for an individual case or for all cases, unless the delegation was deliberately given to the individual alone, or unless subdelegation was expressly prohibited.

§ 3 Executive power delegated by another authority having ordinary power, if delegated for all cases, can be subdelegated only for individual cases; if delegated for a determinate act or acts, it cannot be subdelegated, except by the express grant of the person delegating.

§ 4 No subdelegated power can again be subdelegated, unless this was expressly granted by the person delegating.

Can. 60 Ordinary executive powers, and power delegated for all cases, are to be interpreted widely; any other power is to be interpreted strictly. Delegation of power to a person is understood to include everything necessary for the exercise of that power.

Can. 61 § 1 Unless the law prescribes otherwise, the fact that a person approaches some competent authority, even a higher one, does not mean that the executive power of another

competent authority is suspended, whether that be ordinary or delegated.

§ 2 A lower authority, however, is not to interfere in cases referred to higher authority, except for a grave and urgent reason; in which case the higher authority is to be notified immediately.

Can. 62 § 1 When several people are together delegated to act in the same matter, the person who has begun to deal with it excludes the others from acting, unless that person is subsequently impeded, or does not wish to proceed further with the matter.

§ 2 When several people are delegated to act, as a college in a certain matter, all must proceed in accordance with can.46, unless the mandate provides otherwise.

§ 3 Executive power delegated to several people is presumed to be delegated to them together.

Can. 63 If several people are successively delegated, that person is to deal with the matter whose mandate was the earlier and was not subsequently revoked.

Can. 64 § 1 Delegated power lapses: on the completion of the mandate; on the expiry of the time or the completion of the number of cases for which it was granted; on the cessation of the motivating reason for the delegation; on its revocation; and on the retirement of the person delegated, when communicated to and accepted by the person delegating. It does not lapse on the expiry of the authority of the person delegating, unless this appears from clauses attached to it.

§ 2 An act of delegated power exercised for the internal forum only, which is inadvertently performed after the time limit of the delegation, is valid.

Can. 65 § 1 Ordinary power ceases on the loss of the office to which it is attached.

§2 Unless the law provides otherwise, ordinary power are suspended if an appeal or recourse is lawfully made against a deprivation of or removal from, office.

TITLE IX: CHURCH OFFICES

Can. 66 § 1 A Church office is any post which by divine or Church disposition is established in a stable manner to further a spiritual purpose.

§ 2 The duties and rights proper to each Church office are defined either by the law whereby the office is established, or by a decree of the competent authority whereby it is at one and at the same time established and conferred.

CHAPTER I: THE PROVISION OF CHURCH OFFICE

Can. 67 A Church office cannot be validly obtained without canonical provision.

Can. 68 The provision of a Church office is effected: by its being freely conferred by the competent authority; by appointment made by the same authority, where there has been a prior presentation; by confirmation or admission by the same authority, where there has been a prior

election or postulation; finally, by a simple election and acceptance of the election, if the election does not require confirmation.

Can. 69 Unless the law provides otherwise, the provision of an office is the prerogative of the authority which is competent to establish, change or suppress the office.

Can. 70 § 1 In order to be promoted to a Church office, one must be in communion with the Church, and be suitable, that is, possessed of those qualities which are required for that office by general law or by the law of the foundation.

§ 2 The provision of a Church office to a person who lacks the requisite qualities is invalid only if the qualities are expressly required for validity by general law or by the law of the foundation; otherwise it is valid, but it can be rescinded by a decree of the competent authority.

§ 3 The provision of an office made as a result of simony, is invalid by virtue of the law itself.

Can. 71 Two or more offices which are incompatible, that is, which cannot be exercised at the same time by the same person, are not to be conferred upon anyone.

Can. 72 The provision of any office is to be made in writing.

ARTICLE 1: FREE CONFERRAL

Can. 73 Unless the law expressly states otherwise, it is the prerogative of the legislator and/or the legislative body to make appointments by free conferral.

ARTICLE 2: PRESENTATION

Can. 74 Presentation to an office by a person having the right of presentation must be made to the authority that is competent to make an appointment to the office in question; unless it is otherwise lawfully provided, presentation is to be made within three months of receiving notification of the vacancy of the office.

Can. 75 No one is to be presented who is unwilling. Accordingly, one who is proposed for presentation must be consulted, and may be presented if within eight days a refusal is not entered.

Can. 76 § 1 One who has the right of presentation may present one or more persons, either simultaneously or successively.

§ 2 No persons may present themselves. However a group of persons may present one of its members.

Can. 77 § 1 Unless the law prescribes otherwise, one who has presented a person who is judged unsuitable, may within a month present another candidate, but once only.

§ 2 If before the appointment is made the person presented has withdrawn or has died, the one with the right of presentation may exercise this right again, within a month of receiving notice of the withdrawal or of the death.

Can. 78 A person who has not presented anyone within the canonical time prescribed by can. 74 and can. 77, or who has twice presented a candidate judged to be unsuitable, lose the right of presentation for that case. The authority that is to appoint may then freely provide for the vacant office.

Can. 79 The authority to whom, in accordance with the law, it belongs to appoint one who is presented, is to appoint the person lawfully presented whom he/she has judged suitable, and who has accepted. If a number lawfully presented are judged suitable, he/she is to appoint one of them.

ARTICLE 3: ELECTION

Can. 80 Unless it has been otherwise provided in the law, the provisions of the following canons are to be observed in canonical elections.

Can. 81 Unless it is otherwise provided in the law or in the statutes of the college or group, if a college or a group of persons enjoys the right to elect to an office; the election is not to be deferred beyond three months, to be reckoned from the receipt of notification of the vacancy of the office. If the election does not take place within that time, the competent authority that has the right of confirming the election or the right to make provision otherwise is freely to provide for the vacant office.

Can. 82 § 1 The one who presides over the college or group is to summon all those who belong to the college or group.

§ 2 If someone who should have been summoned was overlooked and was therefore absent, the election is valid. However, if that person insists and gives proof of being overlooked and of absence, the election, even if confirmed, must be rescinded by the competent authority, provided it is juridically established that the recourse was submitted within no more than three days of having received notification of the election.

§ 3 If more than one third of the voters were overlooked, the election is invalid by virtue of the law itself, unless all those overlooked were in fact present.

Can. 83 § 1 When the summons has been lawfully made, those who are present on the day and in the place specified in the summons have the right to vote. Unless it is otherwise lawfully provided in the statutes, votes cast by letter or by proxy cannot be admitted.

§ 2 If an elector is present in the building in which the election is being held, but because of infirmity is unable to be present at the election, a written vote is to be sought from that person.

Can. 84 Even if someone has a right to vote in his or her own name by reason of a number of titles, that person may cast only one vote.

Can. 85 In order that an election be valid, no one may be allowed to vote who does not belong to the college or group.

Can. 86 If the freedom of an election has in any way been in fact impeded, the election is

invalid by virtue of the law itself.

Can. 87 § 1 The following are legally incapable of casting a vote:

1 ° one incapable of a human act;

2° one who is excommunicated;

3° one who notoriously defected from communion with the Church.

§ 2 If any of the above persons is admitted, the vote cast is invalid. The election, however, is valid, unless it is established that, without this vote, the person elected would not have gained the requisite number of votes.

Can. 88 § 1 For a vote to be valid, it must be:

1 ° free; a vote is therefore invalid if, through grave fear or deceit, someone was directly or indirectly made to choose a certain person or several persons separately;

2° secret, certain, absolute and determinate.

§ 2 Conditions attached to a vote before an election are to be considered non-existent.

Can. 89 § 1 Before an election "begins, at least two electoral judges are to be appointed from among the college or group.

§ 2 The electoral judges are to collect the votes and, in the presence of the one who presides at the election, to check whether the number of votes corresponds to the number of electors; they are then to examine the votes and to announce how many each person has received.

§ 3 If the number of votes exceeds the number of electors, the act is null.

§ 4 All the proceedings of an election are to be accurately recorded by the one who acts as notary. They are to be signed at least by that notary, by the person who presides and by the electoral judges, and they are to be carefully preserved in the archives.

Can. 90 § 1 Unless the law or the statutes provide otherwise, an election can be made by compromise, that is the electors by unanimous and written consent transfer the right of election for this occasion to one or more suitable persons, whether they belong to the college or are outside it, who in virtue of this authority are to elect in the name of all.

§ 2 If the college or group consists solely of clerics, the persons to whom the power of election is transferred must be in sacred orders; otherwise the election is invalid.

§ 3 Those to whom the power of election is transferred must observe the provisions of law concerning an election and, for the validity of the election they must observe the conditions attached to the compromise, unless these conditions are contrary to the law. Conditions which are contrary to the law are to be regarded as non-existent.

Can. 91 A compromise ceases, and the right to vote reverts to those who transferred it, when:

1 ° it is revoked by the college or group before it has been put into effect;

2° a condition attached to the compromise has not been fulfilled;

3° the election has been held, but invalidly.

Can. 92 Unless it is otherwise provided in the law or the statutes, the person who has received the majority plus one vote is deemed elected and is to be proclaimed by the person who presides over the college or group.

Can. 93 § 1 The election is to be notified immediately to the person elected who must, within eight days from the receipt of notification of the election, intimate to the person who presides over the college or group whether or not he or she accepts the election; otherwise, the election has no effect.

§ 2 The person elected who has not accepted loses every right deriving from the election, nor is any right revived by subsequent acceptance; the person may, however, be elected again. The college or group must proceed to a new election within a month of being notified of non-acceptance.

Can. 94 If the election does not require confirmation, by accepting the election the person elected immediately obtains the office with all its rights; otherwise, he or she acquires only a right to the office.

Can. 95 § 1 If the election requires confirmation, the person elected must, either personally or through another, ask for confirmation by the competent authority within eight days of acceptance of the office otherwise that person is deprived of every right, unless he or she has established that there was just reason which prevented confirmation being sought.

§ 2 The competent authority cannot refuse confirmation if he has found the person elected suitable and the election has been carried out in accordance with the law.

§ 3 Confirmation must be given in writing.

§ 4 Before receiving notice of the confirmation, the person elected may not become involved in the administration of the office, neither in spiritual nor in material affairs; any acts possibly performed by that person are invalid.

§ 5 When confirmation has been notified, the person elected obtains full right to the office, unless the law provides otherwise.

CHAPTER II: LOSS OF CHURCH OFFICE

Can. 96 § 1 A Church office is lost on the expiry of a predetermined time; on reaching the age limit defined by law; by resignation; by transfer; by removal; by deprivation.

§ 2 An office is not lost on the expiry, in whatever way, of the authority of the one by whom it was conferred, unless the law provides otherwise.

§ 3 The loss of an office, once it has taken effect, is to be notified as soon as possible to those who have any right in regard to the provision of the office.

Can. 97 The title 'emeritus' may be conferred on one who loses office by reason of age, or of resignation which has been accepted.

Can. 98 Loss of office by reason of the expiry of a predetermined time or of reaching the age limit has effect only from the moment that this is communicated in writing by the competent authority.

ARTICLE 1: RESIGNATION

Can. 99 Anyone who is capable of personal responsibility can resign from an office for a just reason.

Can. 100 A resignation which is made as a result of grave fear unjustly inflicted, or of deceit, or of substantial error, or of simony, is invalid by virtue of the law itself.

Can. 101 § 1 For a resignation to be valid, whether it requires acceptance or not; it must be made to the authority which is competent to provide for the office in question, and it must be made either in writing, or orally before two witnesses.

§ 2 The authority should not accept a resignation which is not based on a just and proportionate reason.

§ 3 A resignation which requires acceptance has no force unless it is accepted within three months. One which does not require acceptance takes effect when the person resigning communicates it in accordance with the law.

§ 4 Until a resignation takes effect, it can be revoked by the person resigning. Once it has taken effect, it cannot be revoked, but the person who resigned can obtain the office on the basis of another title.

ARTICLE 2: TRANSFER

Can. 102 § 1 A transfer can be made only by the person who has the right to provide both for the office which is lost and at the same time for the office which is being conferred.

§ 2 A grave reason is required if a transfer is made against the will of the holder of an office and, always without prejudice to the right to present reasons against the transfer, the procedure prescribed by law is to be observed.

§ 3 For a transfer to have effect, it must be notified in writing.

Can. 103 §1 In the process of transfer, the first office is vacated by the taking possession of the other office, unless the law or the competent authority has prescribed otherwise.

§ 2 The person transferred receives the remuneration attached to the previous office until the moment of obtaining canonical possession of the other office.

ARTICLE 3: REMOVAL

Can. 104 One is removed from office either by a decree of the competent authority lawfully issued, observing of course the rights possibly acquired from a contract, or by virtue of the law.

Can. 105 § 1 No one should be removed from an office which is conferred on a person for an indeterminate time, except for grave reasons and in accordance with the procedure defined by law, with particular attention to can.727 § 1-7.

§ 2 This also applies to the removal from office before time of a person on whom, an office is conferred for a determinate time, without prejudice to can. 313 §3.

§ 3 When in accordance with the provisions of law an office is conferred upon someone at the prudent discretion of the competent authority, that person may, upon the judgment of the same authority, be removed from the office for a just reason.

§ 4 For a decree of removal to be effective, it must be notified in writing.

Can. 106 If by a decree of the competent authority, and not by the law itself, someone is removed from an office on which that person's livelihood depends, the same authority is to ensure that the person's livelihood is secure for an appropriate time, unless this has been provided for in some other way.

ARTICLE 4: DEPRIVATION

Can. 107 § 1 Deprivation of office, that is, as a punishment for an offence, may be effected only in accordance with the law.

§ 2 Deprivation takes effect in accordance with the provisions of the canons concerning penal law.

TITLE X: PRESCRIPTION

Can. 108 Prescription, as a means of acquiring or of losing a subjective right, or as a means offering oneself from obligations, is, apart from the exceptions prescribed in the canons of this Code; accepted by the Church in the manner in which it is adopted in the civil legislation of each country.

Can. 109 No prescription is valid unless it is based on good faith, not only in its beginning, but throughout the whole time required for the prescription.

Can. 110 The following are not affected by prescription:

1° rights and obligations which are of divine law, whether natural or positive;

2° rights which can be obtained only by special privilege;

3° rights and obligations which bear directly on the spiritual life of Christ's faithful;

4° the certain and undisputed boundaries of Church territories;

5° Mass/Divine Liturgy offerings and obligations;

6° the provision of a Church office which, in accordance with the law, requires the exercise of a sacred order;

7° the right of visitation and the obligation of obedience, so that Christ's faithful could not be visited by a Church authority and would no longer be subject to any authority.

TITLE XI: THE RECKONING OF TIME

Can. 111 Unless the law provides otherwise, time is to be reckoned in accordance with the following canons.

Can. 112 § 1 Continuous time means unbroken time.

§2 Canonical time is time which a person can so use to exercise or to pursue a right that it does not run when one is unaware, or when one is unable to act.

Can. 113 § 1 In law, a day is understood to be a space of twenty-four hours, to be reckoned continuously and, unless expressly provided otherwise, it begins at midnight; a week is a space of seven days a month is a space of thirty days, and a year a space of three hundred and sixty-five days, unless it is stated that the month and the year are to be taken as in the calendar.

§ 2 If time is continuous, the month and the year are always to be taken as in the calendar.

Can. 114§ 1 The first day is not to be counted in the total, unless its beginning coincides with the beginning of the day, or unless the law expressly provides otherwise.

§ 2 Unless the contrary is prescribed, the final day is to be reckoned within the total; if the total time is one or more months, one or more years, one or more weeks, it finishes on completion of the last day bearing the same number or, if the month does not have the same number, on the completion of the last day of that month.

BOOK II: THE PEOPLE OF GOD

PART I: CHRIST'S FAITHFUL

Can. 115 § 1 Christ's faithful are those who, since they are incorporated into Christ through baptism, are constituted the people of God. For this reason they participate in their own way in the priestly, prophetic and kingly office of Christ. They are called, each according to his or her

particular condition, to exercise the mission which God entrusted to the Church to fulfill in the world.

§ 2 This Church, established and ordered in this world as a society and is governed by the Bishops, Clergy and Lay people.

Can. 116 Those baptized are in full communion with the Church here on earth who are joined with Christ in his visible body, through the bonds of profession of faith, the sacraments and church governance.

Can. 117 § 1 Catechumens are linked with the Church in a special way since, moved by the Holy Spirit, they are expressing an explicit desire to be incorporated in the Church. By this very desire, as well as by the life of faith, hope and charity which they lead, they are joined to the Church which already cherishes them as its own.

§ 2 The Church has a special care for catechumens. While it invites them to lead an evangelical life, and introduces them to the celebration of the sacred rites, it already accords them various prerogatives which are proper to Christians.

Can. 118 § 1 By divine institution, among Christ's faithful there are in the Church sacred ministers, who in law are also called clerics the others are called lay people.

§ 2 Drawn from both groups are those of Christ's faithful who, professing the evangelical counsels through vows or other sacred bonds recognized and approved by the Church, are consecrated to God in their own special way and promote the salvific mission of the Church.

TITLE I: THE OBLIGATIONS AND RIGHTS OF ALL CHRIST'S FAITHFUL

Can. 119 Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute to the building up of the Body of Christ.

Can. 120 § 1 Christ's faithful are bound to preserve their communion with the Church at all times, even in their external actions.

§ 2 They are to carry out with great diligence their responsibilities towards the Church to which by law they belong.

Can. 121 All Christ's faithful must make a wholehearted effort to lead a holy life, and to promote the growth of the Church and its continual sanctification.

Can. 122 All Christ's faithful have the obligation and the right to strive so that the divine message of salvation may more and more reach all people of all times and all places.

Can. 123 § 1 Christ's faithful, conscious of their own responsibility, are bound to show Christian obedience as is appropriate without violating their conscience.

§ 2 Christ's faithful are at liberty to make known their needs, especially their spiritual needs, and their wishes to the clergy of the Church.

§ 3 They have the right, indeed at times the duty to manifest to their Pastors their views on matters which concern the good of the Church. They have the right also to make their views known to others of Christ's faithful, but in doing so they must always respect the integrity of faith and morals, show due reverence to all other faithful and take into account both the common good and the dignity of individuals.

Can. 124 Christ's faithful have the right to be assisted by their Pastors from the spiritual riches of the Church, especially by the word of God and the sacraments.

Can. 125 Christ's faithful have the right to worship God according to the provisions of their own rite approved by the lawful Pastors of the Church; they also have the right to follow their own form of spiritual life, provided it is in accord with Church teaching.

Can. 126 Christ's faithful may freely establish and direct associations which serve charitable or pious purposes or which foster the Christian vocation in the world, and they may hold meetings to pursue these purposes by common effort.

Can. 127 Since they share the Church's mission, all Christ's faithful have the right to promote and support apostolic action, by their own initiative, undertaken according to their state and condition.

Can. 128 Since Christ's faithful are called by baptism to lead a life in harmony with the gospel teaching, they have the right to a Christian education, which genuinely teaches them to strive for the maturity of the human person and at the same time to know and live the mystery of salvation.

Can. 129 Those who are engaged in fields of sacred study have a just freedom to research matters in which they are expert and to express themselves concerning them.

Can. 130 All Christ's faithful have the right to immunity from any kind of coercion in choosing a state in life.

Can. 131 No one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to protect his or her privacy.

Can. 132 § 1 Christ's faithful may lawfully vindicate and defend the rights they enjoy in the Church, before the competent forum in accordance with the law.

§ 2 If any members of Christ's faithful are summoned to trial by the competent authority, they have the right to be judged according to the provisions of the law, to be applied with equity.

§ 3 Christ's faithful have the right that no canonical penalties be inflicted upon them except in accordance with the law.

Can. 133 § 1 Christ's faithful have the obligation to provide for the needs of the Church, so that the Church has available to it those things which are necessary for divine worship, for apostolic and charitable work.

§ 2 They are also obliged to promote social justice and, mindful of the Lord's precept, to help the poor from their own resources.

Can. 134 § 1 In exercising their rights, Christ's faithful, both individually and in associations, must take account of the common good of the Church, as well as the rights of others and their own duties to others.

§ 2 Church authority is entitled to regulate, in view of the common good, the exercise of rights which are proper to Christ's faithful.

TITLE II: THE OBLIGATIONS AND RIGHTS OF THE LAY MEMBERS OF CHRIST'S FAITHFUL

Can. 135 Lay members of Christ's faithful have the duties and rights enumerated in the canons of this title, in addition to those duties and rights which are common to all Christ's faithful and those stated in other canons.

Can. 136 § 1 Since lay people, like all Christ's faithful, are deputed to the apostolate by baptism and confirmation, they are bound by the general obligation and they have the right, whether as individuals or in associations, to strive so that the divine message of salvation may be known and accepted by all people throughout the world. This obligation is all the more insistent in circumstances in which only through them are people able to hear the Gospel and to know Christ.

§ 2 They have also, according to the condition of each, the special obligation to permeate and perfect the temporal order of things with the spirit of the Gospel. In this way, particularly in conducting secular business and exercising secular functions, they are to give witness to Christ through the concept of "What would Jesus do?".

Can. 137 § 1 Those who are married are bound by the special obligation, in accordance with their own vocation, to strive for the building up of the people of God through their marriage and family.

§ 2 Because they gave life to their children, parents have the most serious obligation and the right to educate them. It is therefore primarily the responsibility of Christian parents to ensure the Christian education of their children.

Can. 138 To lay members of Christ's faithful belongs the right to have acknowledged as theirs that freedom in secular affairs which is common to all citizens. In using this freedom, however, they are to ensure that their actions are permeated with the spirit of the Gospel

Can. 139 The Laity are called to assist in the governance of the church.

Can. 140 § 1 Lay people have the duty and the right to acquire the knowledge of Christian teaching which is appropriate to each one's capacity and condition, so that they may be able to live according to this teaching, to proclaim it and if necessary to defend it, and may be capable of playing their part in the exercise of the apostolate.

§ 2 They also have the right to acquire that fuller knowledge of the sacred sciences which is

taught in Church universities or faculties or in institutes of religious sciences, attending lectures there and acquiring academic degrees.

TITLE III: SACRED MINISTERS OR CLERICS

CHAPTER I: THE FORMATION OF CLERICS

Can. 141 It is the duty and the proper and exclusive right of the Church to train those who are deputed to sacred ministries.

Can. 142 It is the duty of the whole Christian community to foster vocations so that the needs of the sacred ministry are sufficiently met in the entire Church. In particular, this duty binds Christian families, educators and, in a special way, priests, especially parish priests. Bishops, who must show the greatest concern to promote vocations, are to instruct the people entrusted to them on the importance of the sacred ministry and the need for ministers in the Church. They are to encourage and support initiatives to promote vocations.

Can. 143 The John XXIII Theological Institute has been established for the training of clergy.

Can. 144 In The John XXIII Theological Institute there is to be a dean who presides over it.

Can. 145 § 1 The Bishop is to admit to The John XXIII Theological Institute only those whose human, moral, spiritual and intellectual gifts, as well as physical and psychological health and right intention, show that they are capable of dedicating themselves to the sacred ministries.

§ 2 Before they are accepted, they must submit documentation of their baptism and confirmation.

Can. 146 In addition, The John XXIII Theological Institute is to have its own program approved by the Presiding Archbishop.

Can. 147 § 1 The celebration of the Eucharist is to be the center of the whole life of the seminary, so that the students, participating in the very charity of Christ, may daily draw strength of soul for their apostolic labor and for their spiritual life particularly from this richest of sources.

§ 2 They are to be formed in the celebration of the liturgy of the hours, by which the ministers of God, in the name of the Church, intercede with Him for all the people and indeed for the whole world.

§ 3 Devotion to the Blessed Virgin Mary, including the rosary, mental prayer and other exercises of piety are to be encouraged, so that the students may acquire the spirit of prayer and be strengthened in their vocation.

Can. 148 In the fulfillment of their duties, all must obey the dean, who is responsible for the day to day direction of The John XXIII Theological Institute.

CHAPTER II: THE ENROLLMENT OR INCARDINATION OF CLERICS

Can. 149 Every cleric must be incardinated. Accordingly, autocephalous or 'wandering' clergy are in no way to be allowed.

Can. 150 By the reception of the diaconate a person becomes a cleric, and is incardinated.

Can. 151 § 1 To be validly incardinated in another church, a cleric who is already incardinated must obtain a letter of excardination signed by the Bishop, and in the same way a letter of incardination signed by the Bishop of the church in which she or he wishes to be incardinated.

§ 2 Excardination granted in this way does not take effect until incardination is obtained in the other particular Church.

Can. 152 All incardinations and excardinations should be done in writing.

Can. 153 A Bishop should not incardinate a cleric unless:

1° the need or the advantage of the church requires it;

2° he knows by a lawful document that excardination has been granted, and has also obtained from the excardinating Bishop, under secrecy if need be, appropriate testimonials concerning the cleric's life, behavior and studies;

3° the cleric declares in writing to the same Bishop that he wishes to enter the service of the new church in accordance with the norms of law.

Can. 154 Excardination can be lawfully granted only for a just reason.

CHAPTER III: THE OBLIGATIONS AND RIGHTS OF CLERICS

Can. 155 Clerics have a special obligation to show reverence and obedience to the Bishop.

Can, 156 § 1 Since all clerics are working for the same purpose, namely the building up of the body of Christ, they are to be united with one another in the bond of brotherhood and prayer. They are to seek to cooperate with one another, in accordance with the provisions of law.

§ 2 Clerics are to acknowledge and promote the mission which the laity, each for his or her part, exercises in the Church and in the world.

Can, 157 § 1 Clerics have a special obligation to seek holiness in their lives, because they are consecrated to God by a new title through the reception of orders, and are stewards of the mysteries of God in the service of the People of God.

§ 2 In order that they can pursue this perfection:

1° they are in the first place faithfully and untiringly to fulfill the obligations of their pastoral ministry;

2° they are to nourish their spiritual life at the twofold table of the sacred Scripture and the Eucharist; priests are therefore earnestly invited to offer the Eucharistic Sacrifice daily, and

deacons to participate daily in the offering;

3° they are exhorted to engage regularly in mental prayer, to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration, and to use other general and special means to holiness.

Can. 158 Clerics should follow a simple way of life and avoid anything which smacks of worldliness.

CHAPTER IV: LOSS OF THE CLERICAL STATE

Can. 159 Sacred ordination once validly received never becomes invalid. A cleric, however, loses the clerical state:

1° by a judgment of a court or an administrative decree, declaring the ordination invalid;

2° by the penalty of dismissal lawfully imposed, with particular attention to can. 727 § 1-7.

PART II: THE HIERARCHICAL CONSTITUTION OF THE CHURCH

SECTION I: THE AUTHORITY OF THE CHURCH

CHAPTER I: THE SYNOD OF BISHOPS

Can. 160 The Synod of Bishops is the highest authority within the church. The Synod has, amongst other things, the following powers:

§ 1 To elect, transfer, promote and discipline Bishops;

§ 2 establish diocese and other administrative structures;

§ 3 serve as the supreme court for the church;

§ 4 conduct relations, communications and transactions with other churches.

§ 5 the relationship of the Synod of Bishops and with bishops of valid apostolic succession, especially the Bishop of Rome (Pope) and the Patriarchs of the churches of the East and West, is characterized as *primus inter pares* (“First among equals”)—it is a relationship of charity, mutual respect, compassion, and prayer.

Can. 161 The Synod must meet yearly, or more frequently as necessity requires.

Can. 162 The Synod may establish an Advisory Council to deal with the ordinary business of the church.

Can. 163 Voting, unless specifically amended by law, will follow the general procedures outlines in Canon 47.

Can. 164 § 1 There should be a permanent Secretary general appointed by the Synod of Bishops to moderate meetings.

§ 2 A permanent record of the proceedings will be made and preserved.

SECTION II: PARTICULAR CHURCHES AND THEIR GROUPINGS

TITLE I: PARTICULAR CHURCHES AND THE AUTHORITY CONSTITUTED WITHIN THEM

CHAPTER I: PARTICULAR CHURCHES

Can. 165 Particular Churches, in which and from which the one and only catholic Church exists, are principally dioceses.

Can. 166 A diocese is a portion of the people of God, which is entrusted to a Bishop to be nurtured by him, with the cooperation of the clergy and lay people, in such a way that, remaining close to its pastor and gathered by him through the Gospel and the Eucharist in the Holy Spirit, it constitutes a particular Church. In this Church, the one, holy, catholic and apostolic Church of Christ truly exists and functions.

Can. 167 § 1 As a rule, that portion of the people of God which constitutes a diocese or other particular Church is to have a defined territory, so that it comprises all the faithful who live in that territory.

§ 2 If however, in the judgment of the Synod of Bishops in the Church, it is thought to be helpful, there may be established in a given territory particular Churches distinguished by the rite of the faithful or by some other similar quality.

Can. 168 It is within the competence of the Synod of Bishops alone to establish particular Churches; once they are lawfully established the law itself gives them juridical personality.

Can. 169 § 1 Each diocese or other particular Church is to be divided into distinct parts or parishes.

§ 2 To foster pastoral care by means of common action, several neighboring parishes can be joined together in special groups, such as vicariates/deaneries.

CHAPTER II: BISHOPS

ARTICLE 1: BISHOPS IN GENERAL

Can. 170 § 1 By divine institution, Bishops succeed the Apostles through the Holy Spirit who is given to them. They are constituted Pastors in the Church, to be the teachers of doctrine and priests of sacred worship.

§ 2 By their episcopal consecration, Bishops receive, together with the office of sanctifying, the office also of teaching, which however, by their nature, can be exercised only in hierarchical communion with the Synod of Bishops and its members.

Can. 171 § 1 The Synod of Bishops freely appoints Bishops or confirms those lawfully elected.

§ 2 Bishops should be elected by the clergy and people that they are to serve.

Can. 172 § 1 To be a suitable candidate for the episcopate, a person must:

1° be outstanding in strong faith, good morals, piety, zeal for souls, wisdom, prudence and human virtues, and possess those other gifts which equip him to fulfill the office in question;

2° be held in good esteem;

3° be at least 35 years old;

4° be a priest ordained for at least five years; unless dispensed by the Synod of Bishops by 2/3 vote.

§ 2 In accordance with the most ancient of canons and traditions the definitive judgment on the suitability of the person to be promoted rests with the Synod of Bishops.

Can. 173 Unless prevented by a lawful reason, one who is promoted to the episcopate, must receive episcopal consecration within three months of receiving the apostolic letters and in fact before he takes possession of his office.

Can. 174 Before taking canonical possession of his office, he who has been promoted is to make the profession of faith and take the oath of fidelity to the Synod of Bishops and the people entrusted to his service, in accordance with the formula approved by the same Synod of Bishops.

ARTICLE 2: DIOCESAN BISHOPS

Can. 175 In the diocese entrusted to his care, the diocesan Bishop has all the ordinary, proper and immediate power required for the exercise of his pastoral office.

Can. 176 § 1 A person who is promoted to the episcopate cannot become involved in the exercise of the office entrusted to him before he has taken canonical possession of the diocese.

§ 2 Unless he is lawfully impeded, one who is not already consecrated a Bishop and is now promoted to the office of diocesan Bishop, must take canonical possession of his diocese within four months of receiving the apostolic letters. If he is already consecrated, he must take possession within two months of receiving the apostolic letters.

§ 3 A Bishop takes canonical possession of his diocese when he shows the apostolic letters to the clergy and the people in the cathedral church.

§ 4 It is strongly recommended that the taking of canonical possession be performed with a liturgical act in the cathedral church, in the presence of the clergy and the people.

Can. 177 § 1 In exercising his pastoral office, the diocesan Bishop is to be solicitous for all

Christ's faithful entrusted to his care, whatever their age, condition or nationality, whether they live in the territory or are visiting there. He is to show an apostolic spirit also to those who, because of their condition of life, are not sufficiently able to benefit from ordinary pastoral care, and to those who have lapsed from religious practice.

§ 2 If he has faithful of a different rite in his diocese, he is to provide for their spiritual needs either by means of priests or parishes of the same rite.

§ 3 He is to act with humanity and charity to those who are not in full communion with the Church he should also foster ecumenism.

§ 4 He is to consider the non-baptized as commended to him in the Lord, so that the charity of Christ, of which the Bishop must be a witness to all, may shine also on them.

Can. 178 He is to have a special concern for the priests, to whom he is to listen as his helpers and counselors. He is to defend their rights and ensure that they fulfill the obligations proper to their state. He is to see that they have the means and the institutions needed for the development of their spiritual and intellectual life.

Can. 179 He must in a very special way foster vocations to the various ministries and to consecrated life, having a special care for priestly and missionary vocations.

Can. 180 § 1 The diocesan Bishop is bound to teach and illustrate to the faithful the truths of faith which are to be believed and applied to behavior. He is himself to preach frequently. He is also to ensure that the provisions of the canons on the ministry of the word especially on the homily and catechetical instruction are faithfully observed, so that the whole of Christian teaching is transmitted to all.

§ 2 By whatever means seem most appropriate, he is firmly to defend the integrity and unity of the faith to be believed. However, he is to acknowledge a just freedom in the further investigation of truths.

Can. 181 Mindful that he is bound to give an example of holiness, charity, humility and simplicity of life, the diocesan Bishop is to seek in every way to promote the holiness of Christ's faithful according to the special vocation of each. Since he is the principal dispenser of the mysteries of God, he is to strive constantly that Christ's faithful entrusted to his care may grow in grace through the celebration of the sacraments, and may know and live the paschal mystery.

Can. 182 §1 After he has taken possession of the diocese, the diocesan Bishop must apply the Mass/Divine Liturgy for the people entrusted to him on each Sunday and on each holyday of obligation in his region.

§ 2 The Bishop must himself celebrate and apply the Mass/Divine Liturgy for the people on the days mentioned in § 1; if, however, he is lawfully impeded from so doing, he is to have someone else do so on those days, or do so himself on other days.

§ 3 A Bishop who, in addition to his own, is given another diocese, even as administrator satisfies the obligation by applying one Mass/Divine Liturgy for all the people entrusted to

him.

§ 4 A Bishop who has not satisfied the obligation mentioned in §§ 1-3, is to apply as soon as possible as many Mass/Divine Liturgy for the people as he has omitted.

Can. 183 He is frequently to preside at the Eucharistic celebration in the cathedral church or in some other church of his diocese, especially on holydays of obligation and on other solemnities.

Can. 184 The diocesan Bishop may use pontificalia.

Can. 185 The diocesan Bishop governs the particular Church entrusted to him with legislative, executive and judicial power, in accordance with the law.

Can. 186 § 1 Since the Bishop must defend the unity of the universal Church, he is bound to foster the discipline which is common to the whole Church, and so press for the observance of all Church laws.

§ 2 He is to ensure that abuses do not creep into Church discipline, especially concerning the ministry of the word, the celebration of the sacraments and sacramentals, the worship of God and the cult of the saints, and the administration of goods.

Can. 187 § 1 The Bishop is to foster various forms of the apostolate in his diocese and is to ensure that throughout the entire diocese, or in its particular districts, all works of the apostolate are coordinated under his direction, with due regard for the character of each apostolate.

§ 2 He is to insist on the faithful's obligation to exercise the apostolate according to the condition and talents of each. He is to urge them to take part in or assist various works of the apostolate, according to the needs of place and time.

Can. 188 § 1 The diocesan Bishop is bound by the law of personal residence in his diocese, even if he has the coadjutor or the Presiding Archbishop.

§ 2 If the Bishop is unlawfully absent from the diocese for more than six months, the Vicar general or most senior priest is to notify the Synod of Bishops.

Can. 189 Persons, catholic institutes, pious objects and places within the boundaries of the diocese, are subject to ordinary episcopal visitation.

Can. 190 The Bishop is to endeavor to make his pastoral visitation with due diligence. He is to ensure that he is not a burden to anyone on the ground of undue expense.

Can. 191 Diocesan Bishops are bound to submit to the Synod of Bishops a report on the state of the diocese entrusted to him, in the form and at the time determined by the Synod of Bishops.

Can. 192 A diocesan Bishop may resign at any time by offering his resignation to the Synod of

Bishops.

Can. 193 A Bishop whose resignation from office has been accepted acquires the title 'emeritus' of his diocese. If he so wishes, he may have a residence in the diocese unless, because of special circumstances in certain cases, the Synod of Bishops provides otherwise.

ARTICLE 3: COADJUTOR AND AUXILIARY BISHOPS

Can. 194 When the pastoral needs of the diocese require it, one or more auxiliary Bishops are to be appointed at the request of the diocesan Bishop. An auxiliary Bishop does not have the right of succession

Can. 195 § 1 The coadjutor Bishop takes possession of his office when he shows the apostolic letters of appointment to the diocesan Bishop, who makes a record of the fact.

§ 2 An auxiliary Bishop takes possession of his office when he shows his apostolic letters of appointment to the diocesan Bishop who makes a record of the fact.

§ 3 If the diocesan Bishop is wholly impeded, it is sufficient that either the coadjutor Bishop or the auxiliary Bishop show their apostolic letters of appointment to the Vicar general or most senior priest.

Can. 196 § 1 The coadjutor Bishop and the auxiliary Bishop have the obligations and the rights which are determined by the provisions of the following canons and defined in their letters of appointment.

§ 2 The coadjutor Bishop, or the auxiliary Bishop assists the diocesan Bishop in the entire governance of the diocese, and takes his place when he is absent or impeded.

Can. 197 The coadjutor Bishop, and likewise the auxiliary Bishop, is to be appointed a Vicar general by the diocesan Bishop. The diocesan Bishop is to entrust to him, in preference to others, those things which by law require a special mandate.

Can. 198 § 1 For the greatest present and future good of the diocese, the diocesan Bishop, the coadjutor and the auxiliary Bishop, are to consult with each other on matters of greater importance.

§ 2 In assessing matters of greater importance, particularly those of a pastoral nature, the diocesan Bishop is to consult the auxiliary Bishop before all others.

§ 3 The coadjutor Bishop and the auxiliary Bishop, since they are called to share in the cares of the diocesan Bishop, should so exercise their office that they act and think in accord with him.

Can. 199 § 1 As often as they are requested to do so by the diocesan Bishop, a coadjutor Bishop and an auxiliary Bishop who are not lawfully impeded, are obliged to perform those pontifical and other functions to which the diocesan Bishop is bound.

§ 2 Those episcopal rights and functions which the coadjutor can exercise are not habitually to be entrusted to another by the diocesan Bishop.

Can. 200 § 1 When the episcopal see falls vacant, the coadjutor immediately becomes the Bishop of the diocese for which he was appointed, provided he has lawfully taken possession.

§ 2 Unless the competent authority has provided otherwise, when the episcopal see is vacant and until the new Bishop takes possession of the see, the auxiliary Bishop retains all and only those powers and faculties which he had as Vicar general when the see was occupied.

Can. 201 The coadjutor Bishop and the auxiliary Bishop are bound, like the diocesan Bishop, to reside in the diocese.

Can. 202 The provisions of can. 192, concerning resignation from office, apply also to a coadjutor and an auxiliary Bishop.

ARTICLE 2: THE VACANT SEE

Can. 203 The episcopal see becomes vacant by the death of the diocesan Bishop, by his resignation accepted by the Synod of Bishops, by transfer, or by deprivation notified to the Bishop.

Can. 204 Within two months of receiving certain notification of transfer, the Bishop must proceed to the diocese to which he has been transferred and take canonical possession of it. On the day on which he takes possession of the new diocese, the diocese from which he has been transferred becomes vacant.

Can. 205 While the see is vacant and until the appointment of a new Bishop, the governance of the diocese devolves upon the auxiliary Bishop. If there are a number of auxiliary Bishops, it devolves upon the senior by promotion. If there is no auxiliary Bishop, it devolves upon the Vicar General. If there is no Vicar General then to the senior priest of the diocese who immediately becomes Vicar General by fact of this Law until a Bishop is appointed at which time he is to offer his resignation. Seniority is by date of Ordination to the Presbyterate.

Can. 206 The auxiliary Bishop or, if there is none, the Vicar General or most senior priest, must as soon as possible notify the Synod of Bishops of the death of the Bishop.

Can. 207 § 1 while the see is vacant, no innovation is to be made.

§ 2 Those who have the interim governance of the diocese are forbidden to do anything which could in any way prejudice the rights of the diocese or of the Bishop. Both they, and in like manner any other persons, are specifically forbidden to remove, destroy or in any way alter documents of the diocesan curia, either personally or through another.

Can. 208 Removal of the Vicar General or senior priest who is governing a diocese until a new Bishop is appointed is reserved to the Synod of Bishops. Should he perchance resign, the resignation is to be submitted in authentic form to the next most senior priest who will immediately forward it to the Synod of Bishops.

TITLE II: GROUPINGS OF PARTICULAR CHURCHES

CHAPTER I: CHURCH PROVINCES AND CHURCH REGIONS

Can. 209 Neighboring particular Churches are to be grouped into Church provinces, with a certain defined territory. The purpose of this grouping is to promote, according to the circumstances of persons and place, a common pastoral action of various neighboring dioceses, and the more closely to foster relations between diocesan Bishops.

Can. 210 It is the exclusive prerogative of the Synod of Bishops in the Church, after consulting the Bishops concerned, to establish, suppress or alter Church provinces.

Can. 211 By virtue of the law, a Church province has juridical personality.

CHAPTER II: METROPOLITANS

Can. 212 The Church is presided over by a Metropolitan, who is the Presiding Archbishop of The American Catholic Church in the United States. The office of Metropolitan is linked to an episcopal see, determined or approved by the Synod of Bishops.

Can. 213 § 1 Within the suffragan dioceses, the Metropolitan is competent:

1° to see that faith and Church discipline are carefully observed and to notify the Synod of Bishops if there be any abuses;

2° for a reason approved beforehand by the Synod of Bishops, to conduct a canonical visitation if the suffragan Bishop has neglected it;

§ 2 Where circumstances require it, the Synod of Bishops can give the Metropolitan special functions and power, to be determined in particular law.

§ 3 The Metropolitan has no other power of governance over suffragan dioceses. He can, however, celebrate sacred functions in all churches as if he were a Bishop in his own diocese, provided, if it is the cathedral church, the diocesan Bishop has been previously notified.

Can. 214 § 1 The Metropolitan is obliged to wear a pallium.

TITLE III: THE INTERNAL ORDERING OF PARTICULAR CHURCHES

CHAPTER I: THE DIOCESAN SYNOD

Can. 215 The diocesan synod is an assembly of clergy and other members of Christ's faithful of a particular Church which, for the good of the whole diocesan community, assists the diocesan Bishop, in accordance with the following canons.

Can. 216 § 1 The diocesan synod is to be held in each particular Church when the diocesan Bishop judges that the circumstances suggest it.

§ 1 If a Bishop is responsible for a number of diocese, or has charge of one of his own and of another as Administrator, he may convene one diocesan synod for all the dioceses entrusted to him.

Can. 217 § 1 Only the diocesan Bishop can convene a diocesan synod. A person who has interim charge of a diocese cannot do so.

§ 2 The diocesan Bishop presides over the diocesan synod. He may however, delegate a Vicar general or another person either cleric or lay to fulfill this office at individual sessions of the synod.

Can. 218 § 1 The following are to be summoned to the diocesan synod as members and they are obliged to participate in it:

1° the coadjutor Bishop and the auxiliary Bishops;

2° the Vicars general;

3° the canons of the cathedral church;

4° all clergy;

5° lay members of Christ's faithful, in the manner and the number to be determined by the diocesan Bishop;

§ 2 If the diocesan Bishop considers it opportune, he may invite to the diocesan Synod as observers some ministers or members of Churches or ecclesial communities which are not in full communion with the church.

Can. 219 All questions proposed are to be subject to the free discussion of the members in the sessions of the synod.

Can. 220 The diocesan Bishop is the sole legislator in the diocesan synod. Other members of the synod have only a consultative vote. The diocesan Bishop alone signs the synodal declarations and decrees, and only by his authority may these be published.

Can. 221 The diocesan Bishop is to communicate the text of the declarations and decrees of the synod to the Metropolitan and to Synod of Bishops.

Can. 222 § 1 If he judges it prudent, the diocesan Bishop can suspend or dissolve the diocesan synod.

§ 2 Should the episcopal see become vacant the diocesan synod is by virtue of the law itself suspended, until such time as the diocesan Bishop who succeeds to the see decrees that it be continued or declares it terminated.

CHAPTER II: THE DIOCESAN CURIA

Can. 223 The diocesan curia is composed of those institutes and persons who assist the Bishop in governing the entire diocese, especially in directing pastoral action, in providing for the administration of the diocese, and in exercising judicial power.

Can. 224 The appointment of those who fulfill an office in the diocesan curia belongs to the diocesan Bishop.

Can. 225 All who are admitted to an office in the curia must:

1^o promise to fulfill their office faithfully, as determined by law or by the Bishop;

2^o observe secrecy within the limits and according to the manner determined by law or by the Bishop.

Can. 226 § 1 The diocesan Bishop must ensure that everything concerning the administration of the whole diocese is properly coordinated and is directed in the way that will best achieve the good of that portion of the people of God entrusted to his care.

§ 2 The diocesan Bishop has the responsibility of coordinating the pastoral action of the Vicars general. Where it is useful, he may appoint a Moderator of the curia. The Moderator is to coordinate activities concerning administrative matters and to ensure that the others who belong to the curia properly fulfill the offices entrusted to them.

§ 3 Unless in the Bishop's judgment local conditions suggest otherwise, the Vicar general is to be appointed Moderator of the curia or, if there are several Vicars general, one of them.

§ 4 Where the Bishop judges it useful for the better promotion of pastoral action he can establish an episcopal council comprising the Vicars general, clergy and laymen.

Can. 227 Acts of the curia which of their nature are designed to have a juridical effect must, as a requirement for validity, be signed by the Ordinary from whom they emanate. They must also be signed by the chancellor of the curia or a notary. The chancellor is bound to notify the Moderator of the curia about these acts.

ARTICLE 1: VICARS GENERAL AND EPISCOPAL VICARS

Can. 228 § 1 In each diocese the diocesan Bishop is to appoint a Vicar general to assist him in the governance of the whole diocese. The Vicar general has ordinary power, in accordance with the following canons.

§ 2 As a general rule, one Vicar general is to be appointed, unless the size of the diocese, the number of inhabitants, or other pastoral reasons suggest otherwise.

Can. 229 § 1 The Vicar general is freely appointed by the diocesan Bishop, and can be freely removed by him.

§ 2 If the Vicar general is absent or lawfully impeded, the diocesan Bishop can appoint another to take his place.

Can. 230 The Vicar general should be a priest of not less than thirty years of age.

Can. 231 In virtue of his office, the Vicar general has the same executive power throughout the whole diocese as that which belongs by law to the diocesan Bishop: that is, he can perform all

administrative acts, with the exception however of those which the Bishop has reserved to himself, or which by law require a special mandate of the Bishop.

Can. 232 The Vicar general must give a report to the diocesan Bishop concerning more important matters, both those yet to be attended to and those already dealt with. They are never to act against the will and mind of the diocesan Bishop.

Can. 233 § 1 The power of the Vicar general ceases when the period of the mandate expires, or by resignation. In addition it ceases when they are notified of their removal by the diocesan Bishop, or when the episcopal see falls vacant.

§ 2 When the office of the diocesan Bishop is suspended, the power of the Vicar general is suspended, unless they are themselves Bishops.

ARTICLE 2: THE CHANCELLOR, OTHER NOTARIES AND THE ARCHIVES

Can. 234 § 1 In each curia a chancellor is to be appointed, whose principal office, unless particular law states otherwise, is to ensure that the acts of the curia are drawn up and dispatched, and that they are kept safe in the archive of the curia.

§ 2 If it is considered necessary, the chancellor may be given an assistant, who is to be called the vice-chancellor.

§ 3 The chancellor and vice-chancellor are automatically notaries and secretaries of the curia.

§ 4 The Chancellor may be the same person as the Vicars General

Can. 235 § 1 Besides the chancellor, other notaries may be appointed, whose writing or signature authenticates public documents. These notaries may be appointed for all acts, or for judicial acts alone, or only for acts concerning a particular issue or business.

§ 2 The chancellor and notaries must be of unblemished reputation and above suspicion.

Can. 236 The office of notary involves:

1^o writing acts and documents concerning decrees, arrangements, obligations, and other matters which require their intervention;

2^o faithfully recording in writing what is done, and signing the document, with a note of the place, the day, the month and the year;

3^o while observing all that must be observed, showing acts or documents from the archives to those who lawfully request them, and verifying that copies conform to the original.

Can. 237 The chancellor and the other notaries can be freely removed by the diocesan Bishop.

Can. 238 § 1 All documents concerning the diocese or parishes must be kept with the greatest of care.

§ 2 In each curia there is to be established in a safe place a diocesan archive where documents and writings concerning both the spiritual and the temporal affairs of the diocese are to be properly filed and carefully kept under lock and key.

§ 3 An inventory or catalogue is to be made of documents kept in the archive, with a short synopsis of each document.

Can. 239 § 1 The archive must be locked, and only the Bishop and the chancellor are to have the key; no one may be allowed to enter unless with the permission of the Bishop, or with the permission of both the Moderator of the curia and the chancellor.

§ 2 Persons concerned have the right to receive, personally or by proxy, an authentic written or photo static copy of documents which are of their nature public and which concern their own personal status.

Can. 240 It is not permitted to remove documents from the archive, except for a short time and with the permission of the Bishop or of both the Moderator of the curia and the chancellor.

Can. 241 § 1 The diocesan Bishop is to ensure that the acts and documents of the archives of cathedral, collegiate, parochial and other churches in his territory are carefully kept and that two copies are made of inventories or catalogues. One of these copies is to remain in its own archive; the other is to be kept in the diocesan archive.

§ 2 The diocesan Bishop is to ensure that there is an historical archive in the diocese, and that documents which have an historical value are carefully kept in it and systematically filed.

§ 3 In order that the acts and documents mentioned in §§ 1 and 2 may be inspected or removed; the nouns laid down by the diocesan Bishop are to be observed.

CHAPTER III: THE COUNCIL OF PRIESTS

Can. 242 In each diocese there is to be established a council of priests, that is, a group of priests who represent the presbyterium and who are to be, as it were, the Bishop's senate. The council's role is to assist the Bishop, in accordance with the law, in the governance of the diocese, so that the pastoral welfare of that portion of the people of God entrusted to the Bishop may be most effectively promoted.

Can. 243 The council of priests is to have its own statutes. These are to be approved by the diocesan Bishop.

Can. 244 As far as the designation of the members of the council of priests is concerned:

1° about half are to be freely elected by the priests themselves in accordance with the canons which follow and with the statutes;

2° some priests must, in accordance with the statutes, be members *ex officio*, that is belong to the council by reason of the office they hold;

3° the diocesan Bishop may freely appoint some others.

Can. 245 The following have the right to both an active and a passive voice in an election to the council of priests:

§ 1 all secular priests incardinated in the diocese;

§ 2 priests who are living in the diocese and exercise some useful office there, not incardinated in the diocese.

Can, 246 The manner of electing the members of the council of priests is to be determined by the statutes, and in such a way that as far as possible the priests of the presbyterium are represented, with special regard to the diversity of ministries and to the various regions of the diocese.

Can. 247 § 1 It is the prerogative of the diocesan Bishop to convene the council of priests, to preside over it, and to determine the matters to be discussed in it or to accept items proposed by the members.

§ 2 The council of priests has only a consultative vote. The diocesan Bishop is to consult it in matters of more serious moment, but he requires its consent only in the cases expressly defined in the law.

§ 3 The council of priests can never act without the diocesan Bishop. He alone can make public those things which have been decided in accordance with § 2.

Can, 248 § 1 The members of the council of priests are to be designated for a period specified in the statutes, subject however to the condition that over a five year period the council is renewed in whole or in part.

§ 2 When the see is vacant, the council of priests lapses.

§3 If the council of priests does not fulfill the office entrusted to it for the welfare of the diocese, or if it gravely abuses that office, it can be dissolved by the diocesan Bishop, after consultation with the Metropolitan or Synod of Bishops, in the case of a metropolitan see, the Bishop must first consult with the suffragan Bishop who is senior by promotion. Within a year, however, the diocesan Bishop must reconstitute the council

CHAPTER IV; THE PASTORAL COUNCIL

Can. 249 In each diocese, in so far as pastoral circumstances suggest a pastoral council is to be established. Its function, under the authority of the Bishop, is to study and weigh those matters which concern the pastoral works in the diocese, and to propose practical conclusions concerning them.

Can. 250 § 1 A pastoral council is composed of members of Christ's faithful who are in full communion with the catholic Church: clerics, members of institutes of consecrated life, and especially lay people. They are designated in the manner determined by the diocesan Bishop.

§ 2 The members of Christ's faithful assigned to the pastoral council are to be selected in such a

way that the council truly reflects the entire portion of the people of God which constitutes the diocese, taking account of the different regions of the diocese, of social conditions and professions, and of the part played in the apostolate by the members, whether individually or in association with others.

§ 3 Only those members of Christ's faithful who are outstanding in firm faith, high moral standards and prudence are to be assigned to the pastoral council.

Can. 251 § 1 The pastoral council is appointed for a determinate period, in accordance with the provisions of the statutes drawn up by the Bishop.

§ 2 When the see is vacant, the pastoral council lapses.

Can. 252 § 1 The pastoral council has only a consultative vote. It is for the diocesan Bishop alone to convene it, according to the needs of the apostolate, and to preside over it. He alone has the right to make public the matters dealt with in the council.

§ 2 It is to be convened at least once a year.

CHAPTER V: PARISHES, PARISH PRIESTS AND ASSISTANT PRIESTS

Can. 253 § 1 A parish is a certain community of Christ's faithful stably established within a particular Church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor.

§ 2 The diocesan Bishop alone can establish suppress or alter parishes. He is not to establish, suppress or notably alter them unless he has consulted the council of priests and/or pastoral council.

§ 3 A lawfully established parish has juridical personality by virtue of the law itself.

Can. 254 § 1 Where circumstances so require, the pastoral care of a parish, or of a number of parishes together, can be entrusted to several priests jointly, but with the stipulation that one of the priests is to be the moderator of the pastoral care to be exercised. This moderator is to direct the joint action and to be responsible for it to the Bishop.

§ 2 If, because of a shortage of priests, the diocesan Bishop has judged that a deacon, or some other person who is not a priest, or a community of persons, should be entrusted with a share in the exercise of the pastoral care of a parish, he is to appoint some priest who, with the powers and faculties of a parish priest, will direct the pastoral care.

Can. 255 As a general rule, a parish is to be territorial, that is, it is to embrace all Christ's faithful of a given territory. Where it is useful however, personal parishes are to be established, determined by reason of the rite, language or nationality of the faithful of a certain territory, or on some other basis.

Can. 256 The parish priest is the proper pastor of the parish entrusted to him. He exercises the pastoral care of the community entrusted to him under the authority of the diocesan Bishop, whose ministry of Christ he is called to share, so that for this community he may carry out the

offices of teaching and sanctifying with the cooperation of other priests or deacons and with the assistance of lay members of Christ's faithful, in accordance with the law.

Can. 257 § 1 To be validly appointed a parish priest; one must be in the sacred order of priesthood.

§ 2 He is also to be outstanding in sound doctrine and uprightness of character, endowed with zeal for souls and other virtues, and possessed of those qualities which by law are required for the care of the parish in question.

§ 3 In order that one be appointed to the office of parish priest, his suitability must be clearly established, in a manner determined by the diocesan Bishop, even by examination.

Can. 258 The appointment to the office of parish priest belongs to the Bishop, who should confer with parishioners as to their choice of priest.

Can. 259 § 1 One who is promoted to exercise the pastoral care of a parish obtains this care and is bound to exercise it from the moment he takes possession.

§ 2 The Bishop or a priest delegated by him puts the parish priest into possession, in accordance with the procedure approved by particular law or by lawful custom. For a just reason, however, the same Bishop can dispense from this procedure, in which case the communication of the dispensation to the parish replaces the taking of possession.

Can. 260 § 1 The parish priest has the obligation of ensuring that the word of God is proclaimed in its entirety to those living in the parish. He is therefore to see to it that the lay members of Christ's faithful are instructed in the truths of faith, especially by means of the homily on Sundays and holydays of obligation and by catechetical formation. He is to foster works which promote the spirit of the Gospel, including its relevance to social justice. He is to have a special care for the catholic education of children and young people. With the collaboration of the faithful, he is to make every effort to bring the gospel message to those also who have given up religious practice or who do not profess the true faith.

§ 2 The parish priest is to take care that the blessed Eucharist is the center of the parish assembly of the faithful. He is to strive to ensure that the faithful are nourished by the devout celebration of the sacraments, and in particular that they frequently approach the sacraments of the blessed Eucharist and penance. He is to strive to lead them to prayer, including prayer in their families, and to take a live and active part in the sacred liturgy. Under the authority of the diocesan Bishop, the parish priest must direct this liturgy in his own parish, and he is bound to be on guard against abuses.

Can. 261 § 1 So that he may fulfill his office of pastor diligently, the parish priest is to strive to know the faithful entrusted to his care. He is therefore to visit their families, sharing in their cares and anxieties and, in a special way, their sorrows, comforting them in the Lord. If in certain matters they are found wanting, he is prudently to correct them. He is to help the sick and especially the dying in great charity, solicitously restoring them with the sacraments and commending their souls to God. He is to be especially diligent in seeking out the poor, the suffering, the lonely, those who are exiled from their homeland, and those burdened with special difficulties. He is to strive also to ensure that spouses and parents are sustained in the

fulfillment of their proper duties, and to foster the growth of Christian life in the family.

§ 2 The parish priest is to recognize and promote the specific role which the lay members of Christ's faithful have in the mission of the Church, fostering their associations which have religious purposes. He is to cooperate with his proper Bishop and with the presbyterium of the diocese. Moreover, he is to endeavor to ensure that the faithful are concerned for the community of the parish, that they feel themselves to be members both of the diocese and of the universal Church, and that they take part in and sustain works which promote this community.

Can. 262 The functions especially entrusted to the parish priest are as follows:

- 1° the administration of baptism;
- 2° the administration of the sacrament of confirmation;
- 3° the administration of Viaticum and of the anointing of the sick;
- 4° the assistance at marriages and the nuptial blessing;
- 5° the conducting of funerals;
- 6° the blessing of the baptismal font at paschal time, the conduct of processions outside the church, and the giving of solemn blessings outside the church;
- 7° the more solemn celebration of the Eucharist on Sundays and holydays of obligation.

Can. 263 § 1 When he has taken possession of his parish, the parish priest is bound on each Sunday and holyday of obligation in his diocese to apply the Mass/Divine Liturgy for the people entrusted to him. If he is lawfully impeded from this celebration, he is to have someone else apply the Mass/Divine Liturgy on these days or apply it himself on other days.

§ 2 A parish priest who has the care of several parishes is bound to apply only one Mass/Divine Liturgy on the days mentioned in § 1, for all the people entrusted to him.

§ 3 A parish priest who has not discharged the obligations mentioned in §§ 1 and 2, is as soon as possible to apply for the people as many Mass/Divine Liturgies as he has omitted.

Can. 264 § 1 In each parish there are to be parochial registers, that is, of baptisms, of marriages and of deaths, and any other registers prescribed by the Synod of Bishops or by the diocesan Bishop. The parish priest is to ensure that entries are accurately made and that the registers are carefully preserved.

§ 2 In the register of baptisms, a note is to be made of confirmation and of matters pertaining to the canonical status of the faithful by reason of marriage, and by reason of adoption, the reception of sacred order, the making of perpetual profession in a religious institute. These annotations are always to be reproduced on a baptismal certificate.

§ 3 Each parish is to have its own seal. Certificates concerning the canonical status of the

faithful, and all acts which can have juridical significance, are to be signed by the parish priest or his delegate and secured with the parochial seal.

§ 4 In each parish there is to be an archive, in which the parochial books are to be kept, together with episcopal letters and other documents which it may be necessary or useful to preserve. On the occasion of visitation or at some other opportune time, the diocesan Bishop or his delegate is to inspect all of these matters. The parish priest is to take care that they do not fall into unauthorized hands.

§ 5 Older parochial registers are also to be carefully safeguarded, in accordance with the provisions of particular law.

Can. 265 § 1 If, after consulting the council of priests and/or pastoral council, the diocesan Bishop considers it opportune, a pastoral council is to be established in each parish. In this council, which is presided over by the parish priest, Christ's faithful, together with those who by virtue of their office are engaged in pastoral care in the parish, give their help in fostering pastoral action.

§ 2 The pastoral council has only a consultative vote and it is regulated by the norms laid down by the diocesan Bishop.

Can. 266 § 1 A parish priest ceases to hold office by removal or transfer effected by the diocesan Bishop in accordance with the law; by his personal resignation, for a just reason, which for validity requires that it be accepted by the diocesan Bishop.

§ 2 A parish priest may resign at any time.

Can. 267 § 1 Whenever it is necessary or opportune for the due pastoral care of the parish, one or more assistant priests can be joined with the parish priest. As cooperators with the parish priest and sharers in his concern, they are, by common counsel and effort with the parish priest and under his authority, to labor in the pastoral ministry.

§ 2 An assistant priest may be appointed either to help in exercising the entire pastoral ministry, whether in the whole parish or in a part of it or for a particular group of the faithful within it, or even to help in carrying out a specific ministry in a number of parishes at the same time.

Can. 268 To be validly appointed an assistant priest; one must be in the sacred order of priesthood.

Can. 269 The diocesan Bishop freely appoints an assistant priest; if he has judged it opportune, he will have consulted the parish priest or parish priests of the parishes to which the assistant is appointed.

Can. 270 § 1 The obligations and rights of assistant priests are defined not only by the canons of this chapter, but also by the diocesan statutes, and by the letter of the diocesan Bishop; they are more specifically determined by the directions of the parish priest.

§ 2 Unless it is otherwise expressly provided in the letter of the diocesan Bishop, the assistant

priest is by virtue of his office bound to help the parish priest in the entire parochial ministry, with the exception of the application of the Mass/Divine Liturgy for the people. Likewise, if the matter should arise in accordance with the law, he is bound to take the place of the parish priest.

§ 3 The assistant priest is to report regularly to the parish priest on pastoral initiatives both those planned and those already undertaken. In this way the parish priest and the assistant or assistants can by their joint efforts provide a pastoral care of the parish for which they are together answerable.

Can. 271 An assistant priest may for a just reason be removed by the diocesan Bishop.

PART III: INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

SECTION I: INSTITUTES OF CONSECRATED LIFE

TITLE I: NORMS COMMON TO ALL INSTITUTES OF CONSECRATED LIFE

Can. 272 § 1 Life consecrated through profession of the evangelical counsels is a stable form of living, in which the faithful follow Christ more closely under the action of the Holy Spirit, and are totally dedicated to God, who is supremely loved. By a new and special title they are dedicated to seek the perfection of charity in the service of God's Kingdom, for the honor of God, the building up of the Church and the salvation of the world. They are a splendid sign in the Church, as they foretell the heavenly glory.

§ 2 Christ's faithful freely assume this manner of life in institutes of consecrated life which are canonically established by the competent Church authority. By vows or by other sacred bonds, in accordance with the laws of their own institutes, they profess the evangelical counsels of chastity, poverty and obedience. Because of the charity to which these counsels lead, they are linked in a special way to the Church and its mystery.

Can. 273 § 1 The state of persons who profess the evangelical counsels in these institutes belongs to the life and holiness of the Church. It is therefore to be fostered and promoted by everyone in the Church.

§ 2 Some of Christ's faithful are specially called by God to this state, so that they may benefit from a special gift in the life of the Church and contribute to its saving mission according to the purpose and spirit of each institute.

Can. 274 The evangelical counsels, based on the teaching and example of Christ the Master, are a divine gift which the Church received from the Lord and which by His grace it preserves always.

Can. 275 It is the prerogative of the Synod of Bishops interpret the evangelical counsels, to legislate for their practice and, by canonical approval, to constitute the stable forms of living which arise from them. The same authority has the responsibility to do what is in its power to ensure that institutes grow and flourish according to the spirit of their founders and to their

sound traditions.

Can. 276 In the Church there can be many institutes of consecrated life, with gifts that differ according to the graces given them: they more closely follow Christ praying, or Christ proclaiming the Kingdom of God, or Christ doing good to people, or Christ in dialogue with the people of this world, but always Christ doing the will of the Father.

Can. 277 The whole patrimony of an institute must be faithfully preserved by all. This patrimony is comprised of the intentions of the founders, of all that the competent Church authority has approved concerning the nature, purpose, spirit and character of the institute, and of its sound traditions.

Can. 278 Provided the Synod of Bishops has been consulted, diocesan Bishops can, by formal decree establish institutes of consecrated life in their own territories.

Can. 279 It is for the competent authority of the institute to divide the institute into parts, by whatever name these may be called, to establish new parts, or to unite or otherwise modify those in existence, in accordance with the constitutions.

Can. 280 Changes in institutes of consecrated life which affect elements previously approved by the Synod of Bishops cannot be made without the permission of the same Synod.

Can. 281 Only the Synod of Bishops can suppress an institute.

Can. 282 The competent authority of an institute can suppress parts of the same institute.

Can. 283 § 1 A true autonomy of life, especially of governance, is recognized for each institute. This autonomy means that each institute has its own discipline in the Church and can preserve whole and entire the patrimony described in can. 272.

§ 2 Local Ordinaries have the responsibility of preserving and safeguarding this autonomy.

Can. 284 § 1 To protect more faithfully the vocation and identity of each institute, the fundamental code or constitutions of the institute are to contain basic norms about the governance of the institute, the discipline of the members, the admission and formation of members, and the proper object of their sacred bonds.

§ 2 This code is approved by the competent Church authority, and can be changed only with the consent of the same.

Can. 285 The better to ensure the welfare of institutes and the needs of the apostolate, the Synod of Bishops, with a view to the common good, can withdraw institutes of consecrated life from the governance of local Ordinaries and subject them to himself alone, or to some other Church authority.

Can. 286 § 1 To promote closer union between institutes and the Synod of Bishops, each supreme Moderator is to send a brief account of the state and life of the institute to the same Synod of Bishops, in the manner and at the time it lays down.

§ 2 Moderators of each institute are to promote knowledge of the documents issued by the Synod of Bishops which affect the members entrusted to them, and are to ensure that these documents are observed.

Can. 287 § 1 It is the Synod of Bishops that approves the constitutions, and confirms any changes lawfully introduced into them.

§ 2 The Presiding Archbishop can grant a dispensation from the constitutions in particular cases.

Can. 288 Superiors and Chapters of institutes have that authority over the members who are defined in the universal law and in the constitutions.

Can. 289 § 1 Every believer with a right intention and the qualities required by universal law and the institute's own law, and who is without impediment, may be admitted to an institute of consecrated life.

§ 2 No one may be admitted without suitable preparation.

Can. 290 Each institute, taking account of its own special character and purposes, is to define in its constitutions the manner in which the evangelical counsels of chastity, poverty and obedience are to be observed in its way of life or not at all.

Can. 291 The evangelical counsel of chastity, based upon the state of one's life, is embraced for the sake of the Kingdom of heaven.

Can. 292 The evangelical counsel of poverty, based upon the state on one's life, is followed in imitation of Christ who for our sake was made poor when he was rich, entails a life which is poor in reality and in spirit, sober and industrious, and a stranger to earthly riches. It also involves dependence and limitation in the use and the disposition of goods, in accordance with each institute's own law.

Can. 293 The evangelical counsel of obedience, undertaken in the spirit of faith and love in the following of Christ, who was obedient even unto death, obliges submission of one's will, but not one's conscience, to lawful Superiors, in accordance with each institute's own constitutions.

Can. 294 The fraternal life proper to each institute unites all the members into, as it were, a special family in Christ. It is to be so defined that for all it proves of mutual assistance to fulfill their vocation. The fraternal union of the members, rooted and based in charity, is to be an example of universal reconciliation in Christ.

Can. 295 § 1 Besides institutes of consecrated life, the Church recognizes the life of hermits or anchorites, in which Christ's faithful withdraw further from the world and devote their lives to the praise of God and the salvation of the world through the silence of solitude and through constant prayer and penance.

§ 2 Hermits are recognized by law as dedicated to God in consecrated life if, in the hands of the diocesan Bishop, they publicly profess, by a vow or some other sacred bond, some or all of the evangelical counsels, and then lead their particular form of life under the guidance of the

diocesan Bishop.

Can. 296 § 1 The order of virgins is also to be added to these forms of consecrated life. Through their pledge to follow Christ more closely, virgins are consecrated to God, mystically espoused to Christ and dedicated to the service of the Church, when the diocesan Bishop consecrates them according to the approved liturgical rite.

§ 2 Virgins can be associated together to fulfill their pledge more faithfully, and to assist each other to serve the Church in a way that befits their state.

Can. 297 Provisions concerning institutes of consecrated life and their members are equally valid in law for both sexes, unless it is otherwise clear from the context or from the nature of things.

TITLE II: RELIGIOUS INSTITUTES

Can. 298 § 1 Religious life, as a consecration of the whole person, manifests in the Church the marvelous marriage established by God as a sign of the world to come. Religious thus consummate a full gift of themselves as a sacrifice offered to God, so that their whole existence becomes a continuous worship of God in charity.

§ 2 A religious institute is a society in which, in accordance with their own law, the members pronounce public vows and live a fraternal life in common. The vows are either perpetual or temporary; if the latter, they are to be renewed when the time elapses.

§ 3 The public witness which religious are to give to Christ and the Church involves that separation from the world which is proper to the character and purpose of each institute.

CHAPTER I: RELIGIOUS HOUSES AND THEIR ESTABLISHMENT AND SUPPRESSION

Can. 299 A religious community may live in a lawfully constituted house, under the authority of a Superior designated according to the norms of law. Each house is to have at least an oratory, in which the Eucharist is celebrated and reserved, so that it may truly be the center of the community.

Can. 300 § 1 A house of a religious institute is established, with the prior written consent of the diocesan Bishop, by the authority competent according to the constitutions.

§ 2 For the establishment of a monastery of cloistered nuns, the permission of the Synod of Bishops is also required.

Can. 301 § 1 In establishing religious houses, the welfare of the Church and of the institute are to be kept in mind, and care must be taken to safeguard everything that is necessary for the members to lead their religious life in accordance with the purposes and spirit proper to the institute.

§ 2 No house is to be established unless it is prudently foreseen that the needs of the members can be suitably provided for.

Can. 302 The consent of the diocesan Bishop for the establishment of a religious house carries with it the right:

1° to lead a life according to the character and purposes proper to the institute;

2° to engage in the works which are proper to the institute, in accordance with the law, and subject to any conditions attached to the consent;

3° for clerical religious institutes to have a church and to conduct the sacred ministries, with due observance of the law.

Can. 303 The consent of the diocesan Bishop is required if a religious house is to be used for apostolic works other than those for which it was established. This permission is not required for a change which, while observing the laws of the foundation, concerns only internal governance and discipline.

Can. 304 Monasteries of cloistered nuns which are associated with an institute of men, have their own rule of life and governance, in accordance with the constitutions. The mutual rights and obligations are to be defined in such a way that spiritual good may come from the association.

Can. 305 If an autonomous monastery has no major Superior other than its own Moderator, and is not associated with any institute of religious in such a way that the Superior of that institute has over the monastery a real authority determined by the constitutions, it is entrusted, in accordance with the norms of law, to the special vigilance of the diocesan Bishop.

Can. 306 § 1 After consultation with the diocesan Bishop, a supreme Moderator can suppress a lawfully established religious house, in accordance with the constitutions.

§ 2 The Synod of Bishops alone can suppress the sole house of an institute.

§ 3 The suppression of an autonomous monastery of cloistered nuns pertains to the Synod of Bishops.

CHAPTER II: THE GOVERNANCE OF INSTITUTES

ARTICLE 1: SUPERIORS AND COUNCILS

Can. 307 Superiors are to fulfill their office and exercise their authority in accordance with the norms of the universal law and of their own law.

Can. 308 The authority which Superiors receive from God through the ministry of the Church is to be exercised by them in a spirit of service. In fulfilling their office they are to be docile to the will of God, and are to govern those subject to them as children of God. By their reverence for the human person, they are to promote voluntary obedience. They are to listen willingly to their subjects and foster their cooperation for the good of the institute and the Church, without prejudice however to their authority to decide and to command what is to be done.

Can. 309 Superiors are to devote themselves to their office with diligence. Together with the members entrusted to them, they are to strive to build in Christ a fraternal community, in which God is sought and loved above all. They are therefore frequently to nourish their members: with the food of God's word and lead them to the celebration of the liturgy. They are to be an example to the members in cultivating virtue and in observing the laws and traditions proper to the institute. They are to give the members opportune assistance in their personal needs. They are to be solicitous in caring for and visiting the sick; they are to chide the restless, console the fainthearted and be patient with all.

Can. 310 A province is a union of several houses which, under one superior, constitutes an immediate part of the same institute, and is canonically established by lawful authority.

Can. 311 The supreme Moderator has authority over all provinces, houses and members of the institute, to be exercised in accordance with the institute's own law. Other Superiors have authority within the limits of their office.

Can. 312 To be validly appointed or elected to the office of Superior, members must have been perpetually or definitively professed for an appropriate period of time, to be determined by their own law or, for major Superiors, by the constitutions.

Can. 313 § 1 Superiors are to be constituted for a certain and appropriate period of time, according to the nature and needs of the institute unless the constitutions establish otherwise for the supreme Moderator and for Superiors of an autonomous house.

§ 2 An institute's own law is to make suitable provisions so that Superiors constituted for a defined time do not continue in offices of governance for too long a period of time without an interval.

§ 3 During their period in office, however, Superiors may be removed or transferred to another office, for reasons prescribed in the institute's own law.

Can. 314 The supreme Moderator of the institute is to be designated by canonical election, in accordance with the constitutions.

§ 2 The Archbishop presides at the election of the Superior of the autonomous monastery and at the election of the supreme Moderator of an institute of diocesan right.

§ 3 Other Superiors are to be constituted in accordance with the constitutions, but in such a way that if they are elected, they require the confirmation of the competent major Superior; if they are appointed by the Superior; the appointment is to be preceded by suitable consultation.

Can. 315 Superiors in conferring offices, and members in electing to office, are to observe the norms of the institute's own law, avoiding any abuse or preference of persons. They are to have nothing but God and the good of the institute before their eyes, and appoint or elect those whom, in the Lord, they know to be worthy and fitting. In elections, besides, they are to avoid directly or indirectly lobbying for votes, either for themselves or for others.

Can. 316 § 1 Superiors are to have their own council, in accordance with the constitutions, and they must make use of it in the exercise of their office.

§2 Apart from the cases prescribed in this code of canon law, an institute's own law is to determine the cases in which the validity of an act depends upon consent or advice being sought.

Can. 317 § 1 Superiors who are designated for this office by the institute's own law are at stated times to visit the houses and the members entrusted to them, in accordance with the norms of the same law.

§2 The diocesan Bishop has the right and the duty to visit the following, even in respect of religious discipline:

1° the autonomous monasteries;

2° the individual houses of an institute of diocesan right situated in his territory.

§ 3 The members are to act with confidence towards the visitor, to whom when lawfully questioning they are bound to reply truthfully and with charity. It is not lawful for anyone in any way to divert the members from this obligation or otherwise to hinder the scope of the visitation.

Can. 318 Superiors are to reside each in his or her own house, and they are not to leave it except in accordance with the institute's own law.

Can. 319 § 1 While safeguarding the discipline of the institute, Superiors are to acknowledge the freedom due to the members concerning the sacrament of penance and the direction of conscience.

§ 2 Superiors are to take care, in accordance with the institute's own law, that the members have suitable confessors available, to whom they may confess frequently.

§ 3 In monasteries of cloistered nuns, in houses of formation, and in large lay communities, there are to be ordinary confessors, approved by the local Ordinary after consultation with the community. There is however, no obligation to approach these confessors.

§ 4 Superiors are not to hear the confessions of their subjects unless the member is in imminent fear of death.

§ 5 The members are to approach their superiors with trust and be able to open their minds freely and spontaneously to them. Superiors, however, are forbidden in any way to induce the members to make a manifestation of conscience to themselves.

ARTICLE 2: CHAPTERS

Can. 320 § 1 In an institute the general chapter has supreme authority in accordance with the constitutions. It is to be composed in such a way that it represents the whole institute and becomes a true sign of its unity in charity. Its principal functions are to protect the patrimony of the institute mentioned in can. 578 and to foster appropriate renewal in accord with that patrimony. It also elects the supreme Moderator, deals with matters of greater importance, and

issues norms which all are bound to obey.

§ 2 The composition of the general chapter and the limits of its powers are to be defined in the constitutions. The institute's own law is to determine in further detail the order to be observed in the celebration of the chapter, especially regarding elections and the matters to be treated.

§ 3 According to the norms determined in the institute's own law, not only provinces and local communities, but also any individual member may freely submit their wishes and suggestions to the general chapter.

Can. 321 The institute's own law is to determine in greater detail matters concerning other chapters and other similar assemblies of the institute, that is, concerning their nature, authority, composition, procedure and time of celebration.

Can. 322 § 1 Participatory and consultative bodies are faithfully to carry out the task entrusted to them, in accordance with the universal law and the institute's own law. In their own way they are to express the care and participation of all the members for the good of the whole institute or community.

§ 2 In establishing and utilizing these means of participation and consultation, a wise discernment is to be observed, and the way in which they operate is to be in conformity with the character and purpose of the institute.

CHAPTER III: THE ADMISSION OF CANDIDATES AND THE FORMATION OF MEMBERS

ARTICLE 1: ADMISSION TO THE NOVITIATE

Can. 323 The right to admit candidates to the novitiate belongs to the major Superiors, in accordance with the norms of the institute's own law.

Can. 324 Superiors are to exercise a vigilant care to admit only those who, besides being of required age, are healthy, have a suitable disposition, and have sufficient maturity to undertake the life which is proper to the institute.

Can. 325 Superiors are not to admit secular clerics to the novitiate without consulting their proper Ordinary; or those who have debts which they are unable to meet.

Can. 326 Before candidates are admitted to the novitiate they must produce proof of baptism and confirmation, and of their free status.

ARTICLE 2: THE NOVITIATE AND THE FORMATION OF NOVICES

Can. 327 The purpose of the novitiate, by which life in an institute begins, is to give the novices a greater understanding of their divine vocation, and of their vocation to that institute. During the novitiate the novices are to experience the manner of life of the institute and form their minds and hearts in its spirit. At the same time their resolution and suitability are to be tested.

Can. 328 The establishment, transfer and suppression of a novitiate house are to take place by a written decree of the supreme Moderator of the institute, given with the consent of the council.

Can. 329 § 1 The object of the novitiate demands that novices be formed under the supervision of the director of novices, in a manner of formation to be defined by the institute's own law.

§ 2 The governance of the novices is reserved to the director of novices alone, under the authority of the major Superiors.

Can. 330 § 1 The director of novices is to be a member of the institute who has taken perpetual vows and has been lawfully designated.

§ 2 If need be, directors of novices may be given assistants, who are subject to them in regard to the governance of the novitiate and the manner of formation.

§ 3 Those in charge of the formation of novices are to be members who have been carefully prepared so that they may discharge their office fruitfully and in a stable fashion.

Can. 331 § 1 It is the responsibility of the directors of novices and their assistants to discern and test the vocation of the novices, and gradually to form them to lead the life of perfection which is proper to the institute.

§ 2 Novices are to be led to develop human and Christian virtues. Through prayer and self-denial they are to be introduced to a fuller way of perfection. They are to be instructed in contemplating the mystery of salvation, and in reading and meditating on the sacred Scriptures. Their preparation is to enable them to develop their worship of God in the sacred liturgy. They are to learn how to lead a life consecrated to God and their neighbor in Christ. They are to learn about the character and spirit of the institute, its purpose and discipline, its history and life, and be imbued with a love.

§ 3 Novices, conscious of their own responsibility, are to cooperate actively with the director of novices, so that they may faithfully respond to the grace of their divine vocation.

§ 4 By the example of their lives and by prayer, the members of the institute are to ensure that they do their part in assisting the work of formation of the novices.

Can. 332 § 1 A novice may freely leave the institute. The competent authority of the institute may also dismiss a novice.

§ 2 On the completion of the novitiate, a novice, if judged suitable, is to be admitted to temporary profession; otherwise the novice is to be dismissed. If a doubt exists concerning suitability, the time of probation may be prolonged by the major Superior, in accordance with the institute's own law, but for a period not exceeding six months.

ARTICLE 3: RELIGIOUS PROFESSION

Can. 333 By religious profession members make a public vow to observe one or more of the three evangelical counsels. Through the ministry of the Church they are consecrated to God,

and are incorporated into the institute, with the rights and duties defined by law.

Can. 334 Temporary profession is to be made for the period defined by the institute's own law. This period may not be less than three years nor longer than six years.

Can. 335 § 1 When the period of time for which the profession was made has been completed, a religious who freely asks, and is judged suitable, is to be admitted to a renewal of profession or to perpetual profession.

§ 2 If it seems opportune, the period of temporary profession can be extended by the competent Superior in accordance with the institute's own law. The total time during which the member is bound by temporary vows may not, however, extend beyond nine years.

§ 3 Those who have been Solemnly or Perpetually professed in a valid religious community in the Roman or other jurisdiction with Apostolic Succession may be received into Solemn or Perpetual profession in The American Catholic Church in the United States religious community without the need to make a formal novitiate or simple/temporary profession. This may only be granted by consent of the Major Superior of the particular institute and the Archbishop.

ARTICLE 4: THE FORMATION OF RELIGIOUS

Can. 336 § 1 After first profession, the formation of all members in each institute is to be completed, so that they may lead the life proper to the institute more fully, and fulfill its mission more effectively.

§ 2 The institute's own law is, therefore, to define the nature and duration of this formation. In this, the needs of the Church and the conditions of people and times are to be kept in mind, insofar as this is required by the purpose and the character of the institute.

§ 3 The formation of members who are being prepared for sacred orders is governed by law and the institute's own program of studies.

Can. 337 § 1 Formation is to be systematic, adapted to the capacity of the members, spiritual and apostolic, both doctrinal and practical. Suitable church and civil degrees are to be obtained as opportunity offers.

§ 2 During the period of formation members are not to be given offices and undertakings which hinder their formation.

Can. 338 Religious are to be diligent in continuing their spiritual, doctrinal and practical formation throughout their lives. Superiors are to ensure that they have the assistance and the time to do this.

CHAPTER IV: THE OBLIGATIONS AND RIGHTS OF INSTITUTES AND OF THEIR MEMBERS

Can. 339 Religious are to find their supreme rule of life in the following of Christ as proposed in the Gospel and as expressed in the constitutions of their own institute.

Can. 340 § 1 The first and principal duty of all religious is to be the contemplation of things divine and constant union with God in prayer.

§ 2 Each day the members are to make every effort to participate in the Eucharistic sacrifice, receive the most holy Body of Christ and adore the Lord himself present in the Sacrament.

§ 3 They are to devote themselves to reading the sacred Scriptures and to mental prayer. In accordance with the provisions of their own law, they are to celebrate the liturgy of the hours worthily. They are also to perform other exercises of piety.

§ 4 They are to have a special devotion to the Virgin Mother of God, the example and protectress of all consecrated life, including by way of the rosary.

§ 5 They are faithfully to observe the period of annual retreat.

Can. 341 Religious are earnestly to strive for the conversion of soul to God.

Can. 342 § 1 As a sign of their consecration and as a witness to their membership, religious are to wear the habit of their institute, determined in accordance with the institute's own law.

§2 Religious of a clerical institute who do not have a special habit are to wear clerical dress.

CHAPTER V: THE APOSTOLATE OF INSTITUTES

Can. 343 The apostolate of all religious consists primarily in the witness of their consecrated life, which they are bound to foster through prayer and penance.

Can. 344 Institutes which are wholly directed to contemplation always have an outstanding part in the mystical Body of Christ. They offer to God an exceptional sacrifice of praise. They embellish the people of God with very rich fruits of holiness, move them by their example, and give them increase by a hidden apostolic fruitfulness.

Can. 345 § 1 Apostolic action is of the very nature of institutes dedicated to apostolic works. The whole life of the members is, therefore, to be imbued with an apostolic spirit, and the whole of their apostolic action is to be animated by a religious spirit.

§2 Apostolic action is always to proceed from intimate union with God, and is to confirm and foster this union.

§3 Apostolic action exercised in the name of the Church and by its command is to be performed in communion with the Church.

Can. 346 Lay institutes of men and women participate in the pastoral mission of the Church through the spiritual and corporal works of mercy, performing very many different services for people. They are therefore to remain faithful to the grace of their vocation.

Can. 347 § 1 Superiors and members are faithfully to hold fast to the mission and works which are proper to their institute. According to the needs of time and place, however, they are

prudently to adapt them, making use of new and appropriate means.

§ 2 Institutes which have associations of Christ's faithful joined to them are to have a special care that these associations are imbued with the genuine spirit of their family.

Can. 348 § 1 In matters concerning the care of souls, the public exercise of divine worship and other works of the apostolate, religious are subject to the authority of the Bishops, whom they are bound to treat with sincere obedience and reverence.

§ 2 In the exercise of an apostolate towards persons outside the institute, religious are also subject to their own Superiors and must remain faithful to the discipline of the institute. If the need arises, Bishops themselves are not to fail to insist on this obligation.

§ 3 In directing the apostolic works of religious, diocesan Bishops and religious Superiors must proceed by way of mutual consultation.

Can. 349 Organized cooperation is to be fostered among different institutes, and between them and the secular clergy. Under the direction of the Bishop, there is to be a coordination of all apostolic works and actions, with due respect for the character and purpose of each institute and the laws of its foundation.

Can. 350 § 1 Works which the diocesan Bishop entrusts to religious are under the authority and direction of the Bishop.

§ 2 In these cases a written agreement is to be made between the diocesan Bishop and the competent Superior of the institute. This agreement must expressly and accurately define, among other things, the work to be done, the members to be assigned to it and the financial arrangements.

Can. 351 § 1 If an Church office in a diocese is to be conferred on a member of a religious institute, the religious is appointed by the diocesan Bishop on presentation by, or at least with the consent of the competent Superior.

§ 2 The religious can be removed from the office at the discretion of the authority who made the appointment, with prior notice being given to the religious Superior; or by the religious Superior, with prior notice being given to the appointing authority. Neither requires the other's consent, especially in the immediate application of can. 727 § 1-7.

Can. 352 § 1 Either personally or through a delegate, the diocesan Bishop can visit churches or oratories to which Christ's faithful have habitual access, schools other than those open only to the institute's own members, and other works of religion and charity entrusted to religious, whether these works be spiritual or temporal. He can do this at the time of pastoral visitation, or in a case of necessity.

§ 2 If the diocesan Bishop becomes aware of abuses, and a warning to the religious Superior having been in vain, he can deal with the matter after consultation with the Synod of Bishops.

CHAPTER VI: THE SEPARATION OF MEMBERS FROM THE INSTITUTE

ARTICLE 1: TRANSFER TO ANOTHER INSTITUTE

Can. 353 § 1 Perpetually professed members cannot transfer from their own religious institute to another, except by permission of the supreme Moderators of both institutes, given with the consent of their respective councils.

§ 2 On completion of a probationary period of at least three years, the member can be admitted to perpetual profession in the new institute, except when can. 335 § 3 applies.

§ 3 For a religious to transfer from one autonomous monastery to another monastery of the same institute, federation or confederation, the consent of the major Superior of both monasteries and of the chapter of the receiving monastery is required and is sufficient, unless the institute's own law has established further conditions. A new profession is not required.

§ 4 The institute's own law is to determine the time and manner of the probation which must precede the member's profession in the new institute.

Can. 354 § 1 Until profession is made in the new institute, the rights and obligations of the member in the previous institute are suspended, but the vows remain. From the beginning of probation, the member is bound to observe the laws of the new institute.

§ 2 By profession in the new institute the member is incorporated into it, and the earlier vows, rights and obligations cease.

ARTICLE 2: DEPARTURE FROM THE INSTITUTE

Can. 355 With the consent of his or her council, the supreme Moderator can for a grave reason grant a release to a perpetually professed member for a period not exceeding three years. In the case of a cleric, the release requires the prior consent of the Ordinary of the place where the clerics must reside.

Can. 356 § 1 A person who, on completion of the time of temporary profession, wishes to leave the institute, is free to do so.

§ 2 A person who, during the time of temporary profession, for a grave reason asks to leave the institute, can obtain a release to leave by the Major Superior.

Can. 357 The competent major Superior, after consulting his or her council, can for just reasons exclude a member from making further profession on the completion of temporary profession.

Can. 358 § 1 A person who lawfully leaves the institute after completing the novitiate or after profession, can be re-admitted by the supreme Moderator, with the consent of his or her council, without the obligation of repeating the novitiate. The same Moderator is to determine an appropriate probation prior to temporary profession, and the length of time in vows before making perpetual profession.

§ 2 The Superior of an autonomous monastery, acting with the consent of his or her council, has the same faculty.

Can. 359 A perpetually professed religious is not to seek a release to leave the institute, except for very grave reasons, weighed before the Lord. The petition is to be presented to the supreme Moderator of the institute, who will forward it to the Synod of Bishops with his or her own opinion and that of the council.

Can. 360 A release to leave the institute, which is lawfully granted by Synod of Bishops and notified to the member, by virtue of the law itself carries with it, unless it has been rejected by, the member in the act of notification, a dispensation from the vows and from all obligations arising from profession.

ARTICLE 3: THE DISMISSAL OF MEMBERS

Can. 361 § 1 A member is to be considered automatically dismissed if he or she has notoriously defected from the catholic faith;

§ 2 In these cases the major Superior with his or her council must, after collecting the evidence, without delay make a declaration of the fact, so that the dismissal is juridically established.

Can. 362 § 1 A member must be dismissed for the offences mentioned in can 697-699 unless that dismissal is not absolutely necessary; and that sufficient provision can be made in some other way for the amendment of the member, the restoration of justice and the reparation of scandal.

§ 2 In these cases the major Superior is to collect the evidence concerning the facts and the imputability of the offence. The accusation and the evidence are then to be presented to the member, who shall be given the opportunity for defense. All the acts, signed by the major Superior and the notary, are to be forwarded, together with the written and signed replies of the member, to the supreme Moderator.

Can. 363 § 1 A member can be dismissed for other causes, provided they are grave, external, imputable and juridically proven. Among such causes are: habitual neglect of the obligations of consecrated life; repeated violations of the sacred bonds; obstinate disobedience to the lawful orders of Superiors in grave matters; grave scandal arising from the culpable behavior of the member; obstinate attachment to, or diffusion of, teachings condemned by the Church; public adherence to materialistic or atheistic ideologies; other reasons of similar gravity which are perhaps defined in the institute's own law, especially violation of can. 697 § 1-7.

§ 2 A member in temporary vows can be dismissed even for less grave reasons determined in the institute's own law.

Can. 364 § 1 In the cases mentioned in can. 363, if the major Superior, after consulting his or her council, judges that the process of dismissal should be commenced:

1° the major Superior is to collect or complete the evidence;

2° the major Superior is to warn the member in writing, or before two witnesses, with an explicit caution that dismissal will follow unless the member reforms. The reasons for dismissal are to be clearly expressed and the member is to be given every opportunity for

defense. If the warning has no effect, another warning is to be given after an interval of at least fifteen days;

3° if this latter warning is also ineffectual, and the major Superior with his or her council judges that there is sufficient proof of incorrigibility, and that the defense by the member is insufficient, after fifteen days from the last warning have passed in vain all the acts, signed by the major Superior and the notary, are to be forwarded, together with the signed replies of the member, to the supreme Moderator.

Can. 365 § 1 The supreme Moderator and his or her council are to proceed in collegial fashion in accurately weighing the evidence, the arguments, and the defense. For validity, the council must comprise at least four members. If by a secret vote it is decided to dismiss the religious, a decree of dismissal is to be drawn up, which for validity must express at least in summary form the reasons in law and in fact.

§ 2 In the autonomous monasteries the judgment about dismissal belongs to the diocesan Bishop. The Superior is to submit the acts to him after they have been reviewed by the council.

Can. 366 The decree of dismissal has no effect unless it is confirmed by the Synod of Bishops, to whom the decree and all the acts are to be forwarded. If the matter concerns an institute of diocesan right, the confirmation belongs to the Bishop in whose diocese is located the house: to which the religious belongs. For validity the decree must indicate the right of the person dismissed to have recourse to the competent authority within ten days of receiving notification of the decree. The recourse has a suspensive effect.

Can. 367 In a case of grave external scandal, or of extremely grave and imminent harm to the institute, or a violation of can. 697 § 3-8, a member can be expelled forthwith by the major Superior. If there is danger in delay, this can be done by the local Superior with the consent of his or her council. The major Superior, if need be, is to introduce a process of dismissal in accordance with the norms of law, or refer the matter to the Synod of Bishops.

TITLE III: SECULAR INSTITUTES

Can. 368 A secular institute is an institute of consecrated life in which Christ's faithful, living in the world, strive for the perfection of charity and endeavor to contribute to the sanctification of the world, especially from within.

Can. 369 Without prejudice to the provisions of the law concerning institutes of consecrated life, consecration as a member of a secular institute does not change the member's canonical status among the people of God, be it lay or clerical.

Can. 370 § 1 Members of these institutes express and exercise their special consecration in apostolic activity. Like a leaven, they endeavor to permeate everything with an evangelical spirit for the strengthening and growth of the Body of Christ.

§ 2 Lay members participate in the evangelizing mission of the Church in the world and from within the world. They do this by their witness of Christian life and of fidelity to their consecration, and by the assistance they give in directing temporal affairs to God and in

animating the world by the power of the Gospel. They also offer their cooperation to serve the community in accordance with the secular manner of life proper to them.

§ 3 Clerical members, by the witness of their consecrated life, especially in the presbyterium, support their colleagues by a distinctive apostolic charity, and in the people of God they further the sanctification of the world by their sacred ministry.

Can. 371 Members are to live their lives in the ordinary conditions of the world, either alone, in their families or in fraternal groups, in accordance with the constitutions.

Can. 372 § 1 Clerical members incardinated in a diocese are subject to the diocesan Bishop, except for whatever concerns the consecrated life of their own institutes.

§ 2 Those who are incardinated in the institute, and who are appointed to works proper to the institute or to the governance of the institute, are subject to the Bishop in the same way as religious.

Can. 373 § 1 All members are to take an active part in the life of the institute, in accordance with the institute's own law.

§ 2 Members of the same institute are to preserve a rapport with one another, carefully fostering a unity of spirit and a genuine fraternity.

Can. 374 § 1 The constitutions are to determine the institute's own form of governance. They are to define the period of time for which Moderators exercise their office and the manner in which they are to be designated.

§ 2 No one is to be designated supreme Moderator unless definitively incorporated into the institute.

§ 3 Those entrusted with the governance of the institute are to ensure that its unity of spirit is maintained, and that the active participation of the members is developed.

Can. 375 § 1 Members are to respond faithfully to their vocation, and their apostolic action is to proceed from their union with Christ. They are therefore to devote themselves assiduously to prayer and engage in a suitable way in the reading of the sacred Scriptures. They should make an annual retreat and perform other spiritual exercises in accordance with their own law.

§ 2 The celebration of the Eucharist, daily where possible, is to be the source and strength of their whole consecrated life.

§ 3 They are to be free to obtain the necessary spiritual direction. Should they so desire, they may seek such counsel even from their Moderators.

Can. 376 The right of admitting a person to the institute, or to probation, or to the taking of sacred bonds, both temporary and perpetual or definitive, belongs to the major Moderators with their council, in accordance with the constitutions.

Can. 377 § 1 The initial probation is to be so arranged that the candidates can better recognize

their divine vocation and their vocation to that institute, and be trained in the spirit and manner of life of the institute.

§ 2 Candidates are to be properly formed to live a life according to the evangelical counsels. They are to be taught how to translate this life completely into their apostolate; applying those forms of evangelization which best correspond to the purpose, spirit and character of the institute.

§ 3 The constitutions are to define the manner and time of the probation to be made before the first sacred bonds are undertaken in the institute; this time is to be not less than two years.

Can. 378 § 1 When the time of the initial probation has been completed, a candidate who is judged suitable is either to undertake the one or more of the evangelical counsels, sealed with a sacred bond, or to leave the institute.

§ 2 This first incorporation is to be temporary, in accordance with the constitutions, but is to be for not less than five years.

§ 3 When this period of incorporation has been completed, a member who is judged suitable is to be admitted to perpetual, or definitive incorporation, that is, by temporary bonds always to be renewed.

§ 4 Definitive incorporation is equivalent to perpetual incorporation in respect of defined juridical effects, which are to be established in the constitutions.

Can. 379 § 1 After the first acceptance of the sacred bonds, formation is to continue without interruption in accordance with the constitutions.

§ 2 Members are to be formed simultaneously in matters human and divine. The Moderators of the institute are to have a serious concern for the continued spiritual formation of the members.

Can. 380 The institute can associate with itself, by some form of bond determined in the constitutions, other members of Christ's faithful who seek evangelical perfection according to the spirit of the institute and who share in its mission.

Can. 381 § 1 When the time of temporary incorporation is completed, the member can freely leave the institute, or can for a just cause be excluded from renewing the sacred bonds by the major Moderator, after consultation with his or her council.

§ 2 A temporarily incorporated member who freely requests it, can for a grave reason be granted a release to leave the institute by the supreme Moderator, with the consent of the council.

Can. 382 § 1 A perpetually incorporated member who wishes to leave the institute must, after seriously weighing the matter before the Lord, petition the Synod of Bishops through the supreme Moderator for release.

§ 2 For a cleric who is incardinated in the institute must seek incardination with a bishop in accordance with law.

Can. 383 When a release to leave the institute has been lawfully granted, all bonds, rights and obligations deriving from incorporation cease.

Can. 384 A member is dismissed from the institute in accordance with the norms of can. 361 through 367. The constitutions are also to determine other reasons for dismissal, provided they are proportionately grave, external, imputable and juridically proven. The procedure established in can. 361-367 is to be observed.

BOOK III

The Teaching Office of The Church

Can. 385 § 1 It is the obligation and inherent right of the Church, independent of any human authority, to preach the Gospel to all peoples.

§ 2 The Church has the right always and everywhere to proclaim moral principles, even in respect of the social order, and to make judgments about any human matter in so far as this is required by fundamental human rights or the salvation of souls.

Can. 386 § 1 All are bound to seek the truth in the matters which concern God and his Church; when they have found it, then by divine law they are bound, and they have the right, to embrace and keep it.

§ 2 It is never lawful for anyone to force others to embrace matters of faith against their conscience.

Can. 387 Those things are to be believed by divine and catholic faith which are contained in the word of God as it has been written or handed down by tradition, which is, in the single deposit of faith entrusted to the Church.

Can. 388 Heresy is the obstinate denial or doubt, after baptism, of a truth which must be believed by divine and catholic faith. Apostasy is the total repudiation of the Christian faith. Schism is the withdrawal from communion with the Synod of Bishops and/or members of the Church.

TITLE I: THE MINISTRY OF THE DIVINE WORD

Can. 389 § 1 The office of preaching the Gospel to the whole Church has been committed to all the faithful but, principally to Bishops.

§ 2 For the particular Churches entrusted to them, that office is exercised by the individual Bishops, who are the moderators of the entire ministry of the word in their Churches.

Can. 390 It belongs to priests, as co-operators of the Bishops, to proclaim the Gospel of God. For the people entrusted to their care, this task rests especially on parish priests, and on other priests entrusted with the care of souls. Deacons also are to serve the people of God in the

ministry of the word, in union with the Bishop and his presbyterium.

Can. 391 By reason of their consecration to God, members of institutes of consecrated life bear particular witness to the Gospel, and so are fittingly called upon by the Bishop to help in proclaiming the Gospel.

Can. 392 The lay members of Christ's faithful, by reason of their baptism and confirmation, are witnesses to the good news of the Gospel, by their words and by the example of their Christian life. They are also called upon to cooperate with Bishops and priests in the exercise of the ministry of the word.

Can. 393 The mystery of Christ is to be faithfully and fully presented in the ministry of the word, which must be founded upon sacred Scripture, Tradition, liturgy and the teaching and life of the Church.

Can. 394 While pride of place must always be given to preaching and catechetical instruction, all the available means of proclaiming Christian doctrine are to be used: the exposition of doctrine in schools, in institutes of higher learning, at conferences and meetings of all kinds; public declarations by lawful authority on the occasion of certain events; the printed word and other means of social communication.

CHAPTER I: PREACHING THE WORD OF GOD

Can. 395 The people of God are first united through the word of the living God, and are fully entitled to seek this word from their priests. For this reason sacred ministers are to consider the office of preaching as of great importance, since proclaiming the Gospel of God to all is among their principal duties.

Can. 396 Bishops, priests and deacons have the right to preach the word of God everywhere.

Can. 397 The laity may preach in a church or oratory if in certain circumstances it is necessary.

Can. 398 § 1 The most important form of preaching is the homily. In the course of the liturgical year, the mysteries of faith and the rules of Christian living are to be expounded in the homily from the sacred text.

§ 2 At all Mass/Divine Liturgies on Sundays and holydays of obligation, celebrated with a congregation, there is to be a homily and, except for a grave reason, this may not be omitted.

§ 3 It is strongly recommended that, if a sufficient number of people are present, there be a homily at weekday Mass/Divine Liturgies also, especially during Advent and Lent, or on a feast day or an occasion of grief.

§ 4 It is the responsibility of the parish priest or the Pastor of a church to ensure that these provisions are carefully observed.

Can. 399 § 1 Those who announce the word of God to Christ's faithful are first and foremost to set out those things which it is necessary to believe and to practice for the glory of God and the salvation of all.

§ 2 They are also to explain to the faithful the teaching of the Church concerning the dignity and freedom of the human person; the unity, stability and duties of the family; people's social obligations and the ordering of temporal affairs according to the plan established by God.

Can. 400 Christian teaching is to be explained in a manner that is suited to the condition of the hearers and adapted to the circumstances of the times.

Can. 401 At certain times, according to the regulations of the diocesan Bishop, parish priests are to arrange for sermons in the form of retreats and missions, as they are called, or in other forms adapted to requirements.

Can. 402 Pastors of souls, especially Bishops and parish priests, are to be solicitous that the word of God is preached to those also of the faithful who, because of the circumstances of their lives, cannot sufficiently avail themselves of the ordinary pastoral care or are even totally deprived of it.

Can. 403 In the exercise of the office of preaching everyone is to observe the norms laid down by the Bishop of the diocese.

CHAPTER II: CATECHETICAL FORMATION

Can. 404 It is pastors of souls especially who have the serious duty of attending to the catechesis of the Christian people, so that, through doctrinal formation and the experience of the Christian life, the living faith of the people may be manifest and active.

Can. 405 § 1 The care for catechesis, under the direction of lawful Church authority, extends to all members of the Church, to each according to his or her role.

§ 2 Before all others, parents are bound to form their children, by word and example, in faith and in Christian living. The same obligation binds godparents and those who take the place of parents.

Can. 406 It is the responsibility of diocesan Bishops to issue norms concerning catechetical matters; to ensure that appropriate means of catechesis are available, even by preparing a catechism, if this seems opportune; to foster and to coordinate catechetical initiatives.

Can. 407 By virtue of his office, the parish priest is bound to ensure the catechetical formation of adults, young people and children. To this end, he is to avail himself of the help of clerics attached to the parish, as well as of members of institutes of consecrated life and of societies of apostolic life, being mindful of the character of each institute; and the assistance of lay members of Christ's faithful, especially catechists.

Can. 408 In a special way, the parish priest is to ensure, in accordance with the norms laid down by the diocesan Bishop, that:

1° an adequate catechesis is given for the celebration of the sacraments;

2° children are properly prepared for first confession and first holy communion, and for the

sacrament of confirmation, by means of catechetical formation over an appropriate period of time;

3° children, after they have made their first holy communion, are given a richer and deeper catechetical formation;

4 ° as far as their condition allows, catechetical formation is given to the mentally and physically handicapped;

5° the faith of young people and of adults is strengthened, enlightened and developed by various catechetical methods and initiatives.

Can. 409 Religious Superiors and Superiors of societies of apostolic life are to ensure that catechetical formation is diligently given in their churches and schools, and in other works in any way entrusted to their care.

Can. 410 Catechetical formation is to be given by employing all those aids, educational resources and means of communication which seem the more effective in securing that the faithful, according to their character capability, age and circumstances of life, may be more fully steeped in catholic teaching and prepared to put it into practice.

Can. 411 Local Ordinaries are to ensure that catechists are duly trained to carry out their office properly.

TITLE II: THE MISSIONARY ACTIVITY OF THE CHURCH

Can. 412 Because the whole Church is of its nature missionary and the work of evangelization is to be considered a fundamental duty of the people of God, all Christ's faithful must be conscious of the responsibility to play their part in missionary activity.

Can. 413 § 1 Catechists are to be given a role in missionary work. These are lay members of Christ's faithful who have received proper formation and are outstanding in their living of the Christian life. Under the direction of missionaries, they are to present the Gospel teaching and engage in liturgical worship and in works of charity.

§ 2 Catechists are to receive their formation in schools founded for this purpose. If there are no such schools, they are to be formed under the direction of a competent person.

Can. 414 Missionary activity properly so called, whereby the Church is founded amongst peoples or groups where it has not taken root before, is performed principally by the Church sending heralds of the Gospel, until such time as the new Churches are fully constituted, that is, have their own resources and sufficient means, so that they themselves can carry on the work of evangelization.

Can. 415§ 1 Those who have expressed the wish to embrace faith in Christ, and who have completed the period of their preliminary catechumenate, are to be admitted to the catechumenate proper in a liturgical ceremony; and their names are to be inscribed in the book which is kept for this purpose.

§ 2 By formation and their first steps in Christian living, catechumens are to be initiated into the mysteries of salvation, and introduced into the life of faith, liturgy and charity of the people of God, as well as into the apostolate.

Can. 416 By means of appropriate formation, neophytes are to be led to a deeper knowledge of the Gospel truths, and to the fulfillment of the duties undertaken in baptism. They are also to be imbued with a sincere love of Christ and his Church.

TITLE III: CATHOLIC EDUCATION

Can. 417 Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the catholic education of their children.

Can. 418 § 1 The Church has in a special way the duty and the right of educating, for it has a divine mission of helping all to arrive at the fullness of Christian life.

§ 2 Pastors of souls have the duty of making all possible arrangements so that all the faithful may avail themselves of a catholic education.

Can. 419 Education must pay regard to the formation of the whole person, so that all may attain their eternal destiny and at the same time promote the common good of society. Children and young persons are therefore to be cared for in such a way that their physical, moral and intellectual talents may develop in a harmonious manner, so that they may attain a greater sense of responsibility and a right use of freedom, and be formed to take an active part in social life.

Can. 420 The Church has the right to establish and to govern educational facilities required to teach the faith.

TITLE IV: THE PROFESSION OF FAITH

Can. 421 The following are personally bound to make a profession of faith, according to the formula approved by the Synod of Bishops:

1° in the presence of the Archbishop or his delegate: all who, with a deliberative or a consultative vote, take part in the synod of Bishops, or a diocesan synod; in the presence of the councilor synod: the Archbishop himself.

2° in the presence of a delegate of the Synod of Bishops: all who are promoted to the episcopate;

3° in the presence of the local Ordinary or his delegate: parish priests; the dean, professors of theology and philosophy at the John XXIII Theological Institute, at the beginning of their term of office; and those who are to be promoted to the order of diaconate;

BOOK IV

The Sanctifying Office of The Church

Can. 422 § 1 The Church carries out its office of sanctifying in a special way in the sacred liturgy, which is an exercise of the priestly office of Jesus Christ. In the liturgy, by the use of signs perceptible to the senses, our sanctification is symbolized and, in a manner appropriate to each sign, is brought about. Through the liturgy a complete public worship is offered to God by the head and members of the mystical body of Christ.

§ 2 This worship takes place when it is offered in the name of the Church, by persons lawfully deputed and through actions approved by Church authority.

Can. 423 § 1 The sanctifying office is exercised principally by Bishops, who are the high priests, the principal dispensers of the mysteries of God and the moderators, promoters and guardians of the entire liturgical life in the Churches entrusted to their care.

§ 2 This office is also exercised by priests. They, too, share in the priesthood of Christ and, as his ministers under the authority of the Bishop, are consecrated to celebrate divine worship and to sanctify the people.

§ 3 Deacons have a share in the celebration of divine worship in accordance with the provisions of law.

§ 4 The other members of Christ's faithful have their own part in this sanctifying office, each in his or her own way actively sharing in liturgical celebrations, particularly in the Eucharist. Parents have a special share in this office when they live their married lives in a Christian spirit and provide for the Christian education of their children.

Can. 424 Since Christian worship, in which the common priesthood of Christ's faithful is exercised, must proceed from and rest upon faith, sacred ministers are to strive diligently to arouse and enlighten this faith, especially by the ministry of the word by which faith is born and nourished.

Can. 425 § 1 Liturgical actions are not private but are celebrations of the Church itself as the 'sacrament of unity', that is, the holy people united and ordered under the Bishops. Accordingly, they concern the whole body of the Church, making it known and influencing it. They affect individual members of the Church in ways that vary according to orders, role and actual participation.

§ 2 Since liturgical matters by their very nature call for a community celebration, they are, as far as possible, to be celebrated in the presence of Christ's faithful and with their active participation.

Can. 426 The ordering and guidance of the sacred liturgy depends solely upon the authority of the Church, namely, that of the Synod of Bishops and, as provided by law, that of the diocesan Bishop.

Can. 427 § 1 The Church carries out its sanctifying office by other means also, that is by prayer, in which it asks God to make Christ's faithful holy in the truth, and by works of penance and

charity, which play a large part in establishing and strengthening in souls the Kingdom of Christ; and so contribute to the salvation of the world.

§ 2 Local Ordinaries are to ensure that the prayers and the pious and sacred practices of the Christian people are in full harmony with the laws of the Church.

PART I: THE SACRAMENTS

Can. 428 The sacraments of the New Testament were instituted by Christ the Lord and entrusted to the Church. As actions of Christ and of the Church, they are signs and means by which faith is expressed and strengthened, worship is offered to God and our sanctification is brought about. Thus they contribute in the most effective manner to establishing, strengthening and manifesting Church communion. Accordingly, in the celebration of the sacraments both the sacred ministers and all the other members of Christ's faithful must show great reverence and due care.

Can. 429 Since the sacraments are the same throughout the universal Church, and belong to the divine deposit of faith, only the Synod of Bishops in the Church can approve or define what is needed for their validity.

Can. 430 A person who has not received baptism cannot validly be admitted to the other sacraments.

Can. 431 § 1 Sacred ministers may not deny the sacraments to those who opportunely ask for them and are properly disposed from receiving them.

§2 According to their respective offices in the Church, both pastors of souls and all other members of Christ's faithful have a duty to ensure that those who ask for the sacraments are prepared for their reception. This should be done through proper evangelization and catechetical instruction, in accordance with the norms laid down by the competent authority.

Can. 432 § 1 Because they imprint an indelible character, the sacraments of baptism, confirmation and holy orders cannot be repeated.

§ 2 If after diligent inquiry a prudent doubt remains as to whether the sacraments mentioned in § 1 have been conferred at all, or conferred validly, they are to be conferred conditionally (sub-conditione).

Can. 433 § 1 The liturgical books, approved by the competent authority, are to be faithfully followed in the celebration of the sacraments. Accordingly, no one may on a personal initiative add to or omit or alter anything in those books.

§ 2 The ministers are to celebrate the sacraments according to their own rite.

Can. 434 The parish priest is to obtain the holy oils from his own Bishop and keep them carefully in fitting custody.

Can. 435 For the administration of the sacraments the minister may not ask for kind of remuneration or gift.

TITLE I: BAPTISM

Can. 436 Baptism, the gateway to the sacraments, is necessary for salvation, either by actual reception or at least by desire. By it people are freed from sins, are born again as children of God and, made like to Christ by an indelible character, are incorporated into the Church. It is validly conferred only by a washing in real water with the proper form of words.

CHAPTER I: THE CELEBRATION OF BAPTISM

Can. 437 Baptism is administered according to the rite prescribed in the approved liturgical books, except in a case of urgent necessity when only those elements which are required for the validity of the sacrament must be observed.

Can. 438 The celebration of baptism should be properly prepared. Accordingly:

1^o an adult who intends to receive baptism is to be admitted to the catechumenate and, as far as possible, brought through the various stages to sacramental initiation.

2^o the parents of a child who is to be baptized, and those who are to undertake the office of sponsors, are to be suitably instructed on the meaning of this sacrament and the obligations attaching to it. The parish priest is to see to it that either he or others duly prepare the parents, by means of pastoral advice and indeed by prayer together; a number of families might be brought together for this purpose and, where possible, each family visited.

Can. 439 § 1 The provisions of the canons on adult baptism apply to all those who, being no longer infants, have reached the use of reason.

§ 2 One who is incapable of personal responsibility is regarded as an infant even in regard to baptism.

Can. 440 Apart from a case of necessity, the water to be used in conferring baptism is to be blessed, in accordance with the provisions of the liturgical books.

Can. 441 Baptism is to be conferred either by immersion or by infusion.

Can. 442 Baptism may be celebrated on any day.

Can. 443 § 1 Apart from a case of necessity, the proper place for baptism is a church, in an oratory, or in a home.

§ 2 As a rule and unless a just reason suggests otherwise, an adult is to be baptized in his or her proper parish church, and an infant in the proper parish church of the parents.

CHAPTER II: THE MINISTER OF BAPTISM

Can. 444 § 1 The ordinary minister of baptism is a Bishop, a priest or a deacon.

§ 2 The Extraordinary minister of baptism is any person who has the requisite intention. Pastors

of souls, especially parish priests, are to be diligent in ensuring that Christ's faithful are taught the correct way to baptize.

CHAPTER III: THE PERSONS TO BE BAPTIZED

Can.445 Every unbaptized person, and only such a person, can be baptized.

Can. 446 § 1 To be admitted to baptism, an adult must have manifested the intention to receive baptism, must be adequately instructed in the truths of the faith and in the duties of a Christian, and tested in the Christian life over the course of the catechumenate. The person must moreover be urged to have sorrow for personal sins.

§ 2 An adult in danger of death may be baptized.

Can. 447 Unless there is a grave reason to the contrary, immediately after receiving baptism an adult is to be confirmed, to participate in the celebration of the Eucharist and to receive holy communion.

Can. 448 § 1 If the infant is in danger of death, it is to be baptized without any delay.

Can. 449 § 1 For an infant to be baptized lawfully it is required:

1^o that the parents, or at least one of them, or the person who lawfully holds their place, give their consent;

2^o that there be a well-founded hope that the child will be brought up in the faith.

§ 2 An infant of catholic parents, indeed even of non-Catholic parents, may in danger of death be baptized even if the parents are opposed to it.

Can. 450 § 1 If there is doubt as to whether a person was baptized or whether a baptism was conferred validly, and after serious inquiry this doubt persists, the person is to be baptized conditionally.

§ 2 Those baptized in a non-Catholic ecclesial community are not to be baptized conditionally unless there is a serious reason for doubting the validity of their baptism, on the ground of the matter or the form of words used in the baptism, or of the intention of the adult being baptized or of that of the baptizing minister.

§ 3 If in the cases mentioned in §§ 1 and 2 a doubt remains about the conferring of the baptism or its validity, baptism is not to be conferred until the doctrine of the sacrament of baptism is explained to the person to be baptized, if that person is an adult. Moreover, the reasons for doubting the validity of the earlier baptism should be given to the person or, where an infant is concerned, to the parents.

Can. 451 An abandoned infant or a foundling is to be baptized.

Can. 452 Aborted fetuses, if they are alive, are to be baptized, in so far as this is possible.

CHAPTER I: PROOF AND REGISTRATION OF BAPTISM

Can. 453 Whoever administers baptism is to take care that if there is not a sponsor present, there is at least one witness who can prove that the baptism was conferred.

Can. 454 To prove that baptism has been conferred, if there is no conflict of interest, it is sufficient to have either one unexceptionable witness or, if the baptism was conferred upon an adult, the sworn testimony of the baptized person.

Can. 455 § 1 The parish priest of the place in which the baptism was conferred must carefully and without delay record in the register of baptism the names of the baptized, the minister, the parents, the sponsors and, if there were such, the witnesses, and the place and date of baptism. He must also enter the date and place of birth. A copy of this information must be submitted to the Office of the Archbishop within five days of the celebration of this sacrament.

§ 2 In the case of a child of an unmarried mother, the mother's name is to be entered if her maternity is publicly known or if, either in writing or before two witnesses, she freely asks that this be done. Similarly, the name of the father is to be entered, if his paternity is established either by some public document or by his own declaration in the presence of the parish priest and two witnesses. In all other cases, the name of the baptized person is to be registered, without any indication of the name of the father or of the parents.

§ 3 In the case of an adopted child, the names of the adopting parents are to be registered.

Can. 456 If baptism was administered neither by the parish priest nor in his presence, the minister of baptism, whoever that was, must notify the parish priest of the parish in which the baptism was administered, and so that he may register the baptism in accordance with can. 455 § 1.

TITLE II: THE SACRAMENT OF CONFIRMATION

Can. 457 The sacrament of confirmation confers an indelible character. By it the baptized complete their path of Christian initiation. They are enriched with the gift of the Holy Spirit, and are more closely linked to the Church. They are made strong and more firmly obliged by word and deed to witness to Christ and to spread and defend the faith.

CHAPTER I: THE CELEBRATION OF CONFIRMATION

Can. 458 § 1 The sacrament of confirmation is conferred by anointing with chrism on the forehead in a laying on of hands, and by the words prescribed in the approved liturgical books.

§ 2 The chrism to be used in the sacrament of confirmation must have been consecrated by a Bishop.

Can. 459 It is desirable that the sacrament of confirmation be celebrated in a church and indeed during Mass/Divine Liturgy. However, for a just and reasonable cause it may be celebrated apart from Mass/Divine Liturgy and in any fitting place.

CHAPTER II: THE MINISTER OF CONFIRMATION

Can. 460 The ordinary ministers of confirmation is a Bishop or priest.

Can. 461 § 1 The diocesan Bishop is bound to ensure that the sacrament of confirmation is conferred upon his subjects who duly and reasonably request it.

CHAPTER III: THE PERSONS TO BE CONFIRMED

Can. 462 Every baptized person who is not confirmed, and only such a person, is capable of receiving confirmation.

Can. 463 The sacrament of confirmation is to be conferred on the adult faithful immediately after baptism or any other time afterwards.

CHAPTER IV: SPONSORS

Can. 464 When the sacrament of confirmation is not done immediately after baptism the person to be confirmed is to have a sponsor. The sponsor's function is to take care that the person confirmed behaves as a true witness of Christ and faithfully fulfils the duties inherent in this sacrament.

Can. 465 It is desirable that the sponsor chosen be the one who undertook this role at baptism.

CHAPTER V: PROOF AND REGISTRATION OF CONFIRMATION

Can. 466 The names of those confirmed, the minister, the parents, the sponsors and the place and date of the confirmation are to be recorded in the confirmation register of the parish, and a copy submitted to the Office of the Archbishop within five days of the celebration of this sacrament.

TITLE III: THE BLESSED EUCHARIST

Can. 467 The most venerable sacrament is the blessed Eucharist, in which Christ the Lord himself is contained, offered and received, and by which the Church continually lives and grows. The Eucharistic Sacrifice, the memorial of the death and resurrection of the Lord, in which the Sacrifice of the cross is forever perpetuated, is the summit and the source of all worship and Christian life. By means of it the unity of God's people is signified and brought about, and the building up of the body of Christ is perfected. The other sacraments and all the apostolic works of Christ are bound up with, and directed to, the blessed Eucharist.

Can. 468 Christ's faithful are to hold the blessed Eucharist in the highest honor. They should take an active part in the celebration of the most august Sacrifice of the Mass/Divine Liturgy; they should receive the sacrament with great devotion and frequently, and should reverence it with the greatest adoration. In explaining the doctrine of this sacrament, pastors of souls are assiduously to instruct the faithful about their obligation in this regard.

CHAPTER I: THE CELEBRATION OF THE EUCHARIST

Can. 469 § 1 The celebration of the Eucharist is an action of Christ himself and of the Church.

In it Christ the Lord, through the ministry of the priest, offers himself, substantially present under the appearances of bread and wine, to God the Father, and gives himself as spiritual nourishment to the faithful who are associated with him in his offering.

§ 2 In the Eucharistic assembly the people of God are called together under the presidency of the Bishop or of a priest, who acts in the person of Christ. All the faithful present, whether clerics or lay people, unite to participate in their own way, according to their various orders and liturgical roles.

§ 3 The Eucharistic celebration is to be so ordered that all the participants derive from it the many fruits for which Christ the Lord instituted the Eucharistic Sacrifice.

ARTICLE 1: THE MINISTER OF THE BLESSED EUCHARIST

Can. 470 § 1 The only minister who, in the person of Christ, can bring into being the sacrament of the Eucharist, is a validly ordained bishop or priest.

§ 2 Any priest who is not debarred by canon law may lawfully celebrate the Eucharist, provided the provisions of the following canons are observed.

Can. 471 A bishop or priest is entitled to offer Mass/Divine Liturgy for anyone, living or dead.

Can. 472 Unless the benefit of Christ's faithful requires or suggests otherwise, bishops and priests may concelebrate the Eucharist; they are, however, fully entitled to celebrate the Eucharist individually.

Can. 473 A priest is to be permitted to celebrate the Eucharist, even if he is not known to the pastor of the church, provided either that he presents commendatory letters, not more than a year old, from his own Ordinary or Superior, or that it can be prudently judged that he is not debarred from celebrating.

Can. 474 Remembering always that in the mystery of the Eucharistic Sacrifice the work of redemption is continually being carried out, bishops and priests are to celebrate frequently. Indeed, daily celebration is earnestly recommended, because, even if it should not be possible to have the faithful present, it is an action of Christ and of the Church in which bishops and priests fulfill their principal role.

Can. 475 A bishop or priest may celebrate the Eucharistic Sacrifice with or without others faithful present.

Can. 476 In the celebration of the Eucharist, deacons and lay persons should not say the prayers, especially the Eucharistic prayer, nor to perform the actions which are proper to the celebrating bishop or priest.

Can. 477 A bishop or priest is not to omit dutifully to prepare himself by prayer before the celebration of the Eucharist, nor afterwards to omit to make thanksgiving to God.

Can. 478 § 1 The ordinary minister of holy communion is a Bishop, a priest or a deacon.

Can. 479 The duty to bring the blessed Eucharist to the sick as Viaticum belongs to the parish priest, to assistant priests, to chaplains and, in respect of all who are in the house, to the community Superior in clerical religious institutes or societies of apostolic life.

ARTICLE 2: PARTICIPATION IN THE BLESSED EUCHARIST

Can. 480 Anyone may be admitted to Holy Communion.

Can. 481 It is most strongly recommended that the faithful receive Holy Communion in the course of a Eucharistic celebration. If, however, for good reason they ask for it apart from the Mass/Divine Liturgy, it is to be administered to them, observing the liturgical rites.

Can. 482 All faithful should receive Holy Communion as often as possible.

Can. 483 Christ's faithful who are in danger of death, from whatever cause, are to be strengthened by Holy Communion as Viaticum.

Can. 484 Holy Viaticum for the sick is not to be unduly delayed. Those who have the care of souls are to take assiduous care that the sick are strengthened by it while they are in full possession of their faculties.

ARTICLE 3: THE RITES AND CEREMONIES OF THE EUCHARISTIC CELEBRATION

Can. 485 § 1 the most holy Sacrifice of the Eucharist must be celebrated in bread, and in wine to which a small quantity of water is to be added.

§ 2 the bread must be wheaten only, and recently made, so that there is no danger of corruption.

§ 3 The wine must be natural, made from grapes of the vine, and not corrupt.

Can. 486 Holy communion may be given under the species of bread alone or, under both species or, in case of necessity, even under the species of wine alone.

Can. 487 In the Eucharistic celebration, in accordance with the ancient tradition of the Church, the bishop or priest is to use unleavened bread wherever he celebrates Mass in the western tradition and leavened bread in the eastern Divine Liturgy.

Can. 488 It is absolutely impossible, even in urgent and extreme necessity, to consecrate one element without the other, or even to consecrate both outside the Eucharistic celebration.

Can. 489 In celebrating and administering the Eucharist, bishops, priests and deacons are to wear the sacred vestments prescribed by the rubrics.

ARTICLE 4: THE TIME AND PLACE OF THE EUCHARISTIC CELEBRATION

Can. 490 The celebration and distribution of the Eucharist may take place on any day and at any hour, except those which are excluded by the liturgical laws.

Can. 491 § I The Eucharistic celebration is to be carried out in a sacred place, unless in a particular case necessity requires otherwise; in which case the celebration must be in a fitting place.

§ 2 The Eucharistic Sacrifice must be carried out at an altar/antimension that is properly consecrated. Outside a sacred place an appropriate table may be used, but always with a corporal.

CHAPTER II: THE RESERVATION AND VENERATION OF THE BLESSED EUCHARIST

Can. 492 § 1 The blessed Eucharist:

1° must be reserved in the cathedral church or its equivalent, in every parish church, and in the church or oratory attached to the house of a religious institute or society of apostolic life.

2° may be reserved in a Bishop's chapel and, by permission of the local Ordinary, in other churches, oratories and chapels.

§ 2 In sacred places where the blessed Eucharist is reserved there must always be someone who is responsible for it, and as far as possible a priest is to celebrate Mass/Divine Liturgy there at least twice a month.

Can. 493 In a house of a religious institute or other house of piety, the blessed Eucharist is to be reserved only in the church or principal oratory attached to the house. For a just reason, however, the Ordinary can permit it to be reserved also in another oratory of the same house.

Can. 494 Unless there is a grave reason to the contrary, a church in which the blessed Eucharist is reserved is to be open to the faithful for at least some hours every day, so that they can pray before the blessed Sacrament.

Can. 495 § 1 The blessed Eucharist is to be reserved habitually in only one tabernacle of a church or oratory.

§ 2 The tabernacle in which the blessed Eucharist is reserved should be sited in a distinguished place in the church or oratory, a place which is conspicuous, suitably adorned and conducive to prayer.

§ 3 For a grave reason, especially at night, it is permitted to reserve the blessed Eucharist in some other safer place, provided it is fitting.

§ 4 The person in charge of a church or oratory is to see to it that the key of the tabernacle in which the blessed Eucharist is reserved, is in maximum safe keeping.

Can. 496 Consecrated hosts, in a quantity sufficient for the needs of the faithful, are to be kept in a pyx or ciborium, and are to be renewed frequently, the older hosts having been dilly consumed.

Can. 497 A special lamp is to burn continuously before the tabernacle in which the blessed Eucharist is reserved, to indicate and to honor the presence of Christ.

Can. 498 § 1 In churches or oratories which are allowed to reserve the blessed Eucharist, there may be exposition, either with the pyx or with the monstrance, in accordance with the norms prescribed in the liturgical books.

§ 2 Exposition of the Blessed Sacrament may not take place while Mass/Divine Liturgy is being celebrated in the same area of the church or oratory.

Can. 499 It is recommended that in these churches or oratories, there is to be each year a solemn exposition of the Blessed Sacrament for an appropriate, even if not for a continuous time, so that the local community may more attentively meditate on and adore the Eucharistic mystery. This exposition is to take place only if a fitting attendance of the faithful is foreseen, and the prescribed norms are observed.

Can. 500 § 1 Wherever in the judgment of the diocesan Bishop it can be done, a procession through the streets is to be held, especially on the solemnity of the Body and Blood of Christ, as a public witness of veneration of the blessed Eucharist.

§ 2 It is for the diocesan Bishop to establish such regulations about processions as will provide for participation in them and for their being carried out in a dignified manner.

TITLE IV: THE SACRAMENT OF PENANCE

Can. 501 In the sacrament of penance the faithful who confess their sins to a bishop or priest, are sorry for those sins and have a purpose of amendment, receive from God, through the absolution given by that bishop or priest, forgiveness of sins they have committed after baptism, and at the same time they are reconciled with the Church, which by sinning they wounded.

CHAPTER I: THE CELEBRATION OF THE SACRAMENT

Can. 502 Individual confession and general absolution is to be made available to the faithful.

Can. 503 General absolution, especially when granted during the Introductory Rite of the Mass, is the ordinary means by which a member of the faithful who is conscious of grave sin is reconciled with God and with the Church.

Can. 504 Bishops and Priests are obliged to hear private confessions if a person requests it.

CHAPTER II: THE MINISTER OF THE SACRAMENT OF PENANCE

Can. 505 Only a bishop or a priest are the ministers of the sacrament of penance.

Can. 506 The faculty habitually to hear confessions is inherent in ordination to the priesthood.

Can. 507 Any bishop or priest can validly and lawfully absolve any penitents anywhere and at anytime.

Can. 508 The absolution of a partner in a sin against the sixth commandment of the Decalogue is invalid, except in danger of death.

Can. 509 If the confessor is in no doubt about the penitent's disposition and the penitent asks for absolution, it is not to be denied or delayed.

Can. 510 The confessor may impose salutary and appropriate penances, in proportion to the kind and number of sins confessed, taking into account, however, and the condition of the penitent. The penitent is bound personally to fulfill these penances.

Can. 511 § 1 The sacramental seal is inviolable. Accordingly, it is absolutely forbidden for a confessor in any way to betray the penitent, for any reason whatsoever, whether by word or in any other fashion.

§ 2 An interpreter, if there is one, is also obliged to observe this secret with the same penalty, as are all others who in any way whatever have come to a knowledge of sins from a confession.

Can. 512 § 1 The confessor is absolutely forbidden to use knowledge acquired in confession to the detriment of the penitent, even when all danger of disclosure is excluded.

§ 2 A person who is in authority may not in any way, for the purpose of external governance, use knowledge about sins which has at any time come to him from the hearing of confession.

Can. 513 The director and assistant director of novices, and the dean of the John XXIII Theological Institute, are not to hear the sacramental confessions of their students resident in the same house, unless in individual instances the students of their own accord request it.

Can. 514 § 1 All to whom by virtue of office the care of souls is committed are bound to provide for the hearing of the confessions of the faithful entrusted to them, who reasonably request confession, and they are to provide these faithful with an opportunity to make individual confession on days and at times arranged to suit them.

§ 2 In an urgent necessity, every confessor is bound to hear the confessions of Christ's faithful, and in danger of death every bishop or priest is so obliged.

CHAPTER III: THE PENITENT

Can. 515 In order that the faithful may receive the saving remedy of the sacrament of penance, they must be so disposed that, repudiating the sins they have committed and having the purpose of amending their lives, they turn back to God.

Can. 516 The faithful are bound to confess to God, in kind and in number, all grave sins committed after baptism, of which after careful examination of conscience they are aware, which have not yet been directly pardoned by the keys of the Church, and which have not been confessed in an individual confession.

Can. 517 All Christ's faithful are free to confess their sins to lawfully approved confessors of their own choice.

TITLE V: THE SACRAMENT OF ANOINTING OF THE SICK

Can. 518 The anointing of the sick, by which the Church commends to the suffering and glorified Lord the faithful who are dangerously ill so that he may support and save them, is conferred by anointing them with oil and pronouncing the words prescribed in the liturgical books.

CHAPTER I: THE CELEBRATION OF THE SACRAMENT

Can. 519 The oil to be used in the anointing of the sick can be blessed not only by a Bishop but also by any priest, when necessity demands it, but only in the actual celebration of the sacrament.

Can. 520 § 1 The anointings are to be carried out accurately, with the words and in the order and manner prescribed in the liturgical books. In a case of necessity, however, a single anointing on the forehead, or even on another part of the body, is sufficient while the full formula is recited.

§2 The minister is to anoint with his own hand, unless a grave reason indicates the use of an instrument.

Can. 521 Pastors of souls and those who are close to the sick are to ensure that the sick are helped by this sacrament in good time.

Can. 522 The communal celebration of anointing of the sick, for a number of the sick together, who have been appropriately prepared and are rightly disposed, may be held in accordance with the regulations of the diocesan Bishop.

CHAPTER II: THE MINISTER OF ANOINTING OF THE SICK

Can. 523 § 1 Every bishop or priest, can validly administer the anointing of the sick.

§ 2 All priests to whom has been committed the care of souls, have the obligation and the right to administer the anointing of the sick to those of the faithful entrusted to their pastoral care.

§ 3 Any priest may carry the holy oil with him, so that in a case of necessity he can administer the sacrament of anointing of the sick.

CHAPTER III: THOSE TO BE ANOINTED

Can. 524 § 1 The anointing of the sick can be administered to anyone.

§ 2 This sacrament can be repeated if the sick person, having recovered, again becomes seriously ill or if, in the same illness, the danger becomes more serious.

Can. 525 This sacrament may also be administered to the faithful at their request who are not "ill" in the conventional sense of the word.

TITLE VI: ORDERS

Can. 526 By divine institution some among Christ's faithful are, through the sacrament of order, marked with an indelible character and are thus constituted sacred ministers.

Can. 527 § 1 The orders are the episcopate, the priesthood and the diaconate.

§ 2 They are conferred by the imposition of hands and the prayer of consecration which the liturgical books prescribe for each grade.

CHAPTER I: THE CELEBRATION OF ORDINATION AND THE MINISTER

Can. 528 An ordination is to be celebrated during Mass/Divine Liturgy, on a Sunday or holyday of obligation. For pastoral reasons, however, it may take place on other days also.

Can. 529 § 1 An ordination is normally to be celebrated in the cathedral church. For pastoral reasons, however, it may be celebrated in another church, oratory, or other dignified setting.

§ 2 Clerics and other members of Christ's faithful are to be invited to attend an ordination, so that the greatest possible number may be present at the celebration.

Can. 530 The minister of sacred ordination is a consecrated Bishop.

Can. 531 No Bishop is permitted to consecrate anyone as Bishop, unless it is first established that a proper mandate has been issued by the Synod of Bishops.

Can. 532 Each candidate should be ordained to the priesthood or to the diaconate by the Archbishop or his Episcopal delegates.

Can. 533 A Bishop may not confer orders outside his own jurisdiction except with the permission of the diocesan Bishop.

CHAPTER II: THOSE TO BE ORDAINED

Can. 534 Individuals called to orders by the Church will be inclusive. Candidates for Holy Orders will not be judged on gender, marital status, or sexual orientation.

Can. 535 § 1 In order lawfully to confer the orders of priesthood or diaconate, it must have been established, in accordance with the proofs laid down by law, that in the judgment of the proper Bishop, the candidate possesses the requisite qualities, that he is free of any irregularity or impediment, and that he has fulfilled the requirements set out in can. 542-45. Moreover, the documents mentioned in can. 554 must be to hand, and the investigation mentioned in can. 555 must have been carried out.

§ 2 It is further required that, in the judgment of the same lawful Superior, the candidate is considered beneficial to the ministry of the Church.

§ 3 A Bishop ordaining his own subject who is destined for the service of another diocese, must be certain that the ordinand will in fact be attached to that other diocese.

ARTICLE 1: THE REQUIREMENTS IN THOSE TO BE ORDAINED

Can. 536 For a person to be ordained, he must enjoy the requisite freedom. It is absolutely wrong to compel anyone, in any way or for any reason whatsoever, to receive orders, or to turn away from orders anyone who is canonically suitable.

Can. 537 Aspirants to the diaconate and the priesthood are to be formed by careful preparation in accordance with the law.

Can. 538 The diocesan Bishop must ensure that before they are promoted to any order, candidates are properly instructed concerning the order itself and its obligations.

Can. 539 Only those are to be promoted to orders who, in the prudent judgment of the proper Bishop, all things considered, have sound faith, are motivated by the right intention, are endowed with the requisite knowledge, enjoy a good reputation, and have moral probity, proven virtue and the other physical and psychological qualities appropriate to the order to be received.

Can. 540 The proper Bishop may, but only for a canonical reason, even one which is occult, forbid admission to the priesthood to deacons subject to them who were destined for the priesthood, without prejudice to recourse in accordance with the law.

Can. 541 The priesthood may be conferred only upon those who possess a sufficient maturity. An interval of at least six months between the diaconate and the priesthood should normally be observed.

ARTICLE 2: PREREQUISITES FOR ORDINATION

Can. 542 Only one who has received the sacrament of sacred confirmation may lawfully be promoted to orders.

Can. 543 Before anyone may be promoted to the diaconate, he must have received the all minor orders/ministries, and have exercised them for an appropriate time.

Can. 544 For a candidate to be promoted to the order of diaconate or priesthood, he must submit to the proper Bishop a declaration written in his own hand and signed by him, in which he attests that he will spontaneously and freely receive the sacred order and will devote himself permanently to the Church ministry, asking at the same time that he be admitted to receive the order.

Can. 545 All who are to be promoted to any order should make a retreat.

ARTICLE 3: IRREGULARITIES AND OTHER IMPEDIMENTS

Can. 546 Those bound by an impediment are to be barred from the reception of orders. An impediment may be simple; or it may be perpetual, in which case it is called an irregularity. No impediment is contracted which is not contained in the following canons.

Can. 547 The following persons are irregular for the reception of orders:

1^o one who suffers from any form of insanity, or from any other psychological infirmity, because of which he is, after experts have been consulted, judged incapable of being able to fulfill the ministry;

2^o one who has committed the offence of apostasy, heresy or schism;

3^o one who has committed willful homicide, or one who has actually procured an abortion, and all who have positively cooperated;

4^o one who has gravely and maliciously mutilated himself or another, or who has attempted suicide;

5^o one who has carried out an act of order which is reserved to those in the order of the episcopate or priesthood, while himself either not possessing that order or being barred from its exercise by some canonical penalty, declared or imposed.

Can. 548 Christ's faithful are bound to reveal, before ordination, to the Ordinary or to the parish priest, such impediments to sacred orders as they may know about.

Can. 549 § 1 The following are irregular for the exercise of orders already received:

1^o one who, while bound by an impediment to the reception of orders, unlawfully received orders;

2^o one who suffers from insanity or from some other psychological infirmity.

Can. 550 Ignorance of irregularities and impediments does not exempt from them.

Can. 551 Irregularities and impediments are multiplied if they arise from different causes, not however from the repetition of the same cause, unless it is a question of the irregularity arising from the commission of willful homicide or from having actually procured an abortion.

Can. 552 § 1 If the fact on which they are based has belief brought to the judicial forum, dispensation from all irregularities is reserved to the Synod of Bishops alone.

§ 2 Dispensation from the following irregularities and impediments to the reception of orders is also reserved to the Synod of Bishops:

1^o irregularities arising from the offences mentioned in can. 547, nn. 2 and 3, if they are public;

2^o an irregularity arising from the offence, whether public or occult, mentioned in can. 547, n. 4;

3^o the impediment mentioned in can. 547, n. 1

§ 3 To the Synod of Bishops is also reserved the dispensation from the irregularities for the exercise of an order received mentioned in can. 547, n.3 but only in public cases, and in n. 4 of

the same canon even in occult cases.

§ 4 The Ordinary can dispense from irregularities and impediments not reserved to the Synod of Bishops.

Can. 553 A general dispensation from irregularities and impediments to the reception of orders is valid for all orders.

ARTICLE 4: DOCUMENTS REQUIRED AND THE INVESTIGATION

Can. 554 For a person to be promoted to sacred orders, the following documents are required:

1^o a certificate of studies duly completed;

2^o for those to be ordained to the priesthood, a certificate of the reception of the diaconate.

3^o for those to be promoted to the diaconate, certificates of the reception of baptism, of confirmation and of the ministries mentioned in can. 543, and a certificate that the declaration mentioned in can. 544 has been made, if an ordinand to be promoted to the diaconate is married, a certificate of his marriage and testimony of his wife's consent.

Can. 555 In the investigation of the requisite qualities of one who is to be ordained, the following provisions are to be observed.

1^o there is to be a certificate from the dean of the John XXIII Theological Institute, concerning the qualities required in the candidate for the reception of the order, namely sound doctrine, genuine piety, good moral behavior, fitness for the exercise of the ministry, likewise, after proper investigation, a certificate of the candidate's state of physical and psychological health;

2^o the diocesan Bishop may, in order properly to complete the investigation, use other means which, taking into account the circumstances of time and place, may seem useful, such as testimonial letters, public notices or other sources of information.

Can. 556 For a Bishop to proceed to an ordination which he is to confer by his own right, he must be satisfied that the documents mentioned in can. 554 are at hand and that, as a result of the investigations prescribed by law, the suitability of the candidate has been positively established.

Can. 557 If, notwithstanding all this, the Bishop has definite reasons for doubting that the candidate is suitable to receive orders, he is not to promote him.

CHAPTER III: THE REGISTRATION AND EVIDENCE OF ORDINATION

Can. 558 § 1 After an ordination, the names of the individuals ordained, the name of the ordaining minister, and the place and date of ordination are to be entered in a special register in the Office of the Archbishop which is to be carefully kept in the curia of the place of ordination. All the documents of each ordination are to be accurately preserved.

§ 2 The ordaining Bishop is to give to each person ordained an authentic certificate of the

ordination received.

TITLE VII: MARRIAGE

Can. 559 § 1 The marriage covenant, by which two people establish between themselves a partnership of their whole life, and which of its own very nature is ordered to the well-being of the spouses.

§ 2 Consequently, a valid marriage covenant cannot exist between baptized persons without its being by that very fact a sacrament.

Can. 560 The essential properties of marriage are unity and indissolubility; in Christian marriage they acquire a distinctive firmness by reason of the sacrament.

Can. 561 § 1 A marriage is brought into being by the lawfully manifested consent of persons who are legally capable.

§ 2 Matrimonial consent is an act of will by which two people by an irrevocable covenant mutually give and accept one another for the purpose of establishing a marriage.

CHAPTER I: PASTORAL CARE AND THE PREREQUISITES FOR THE CELEBRATION OF MARRIAGE

Can. 562 Pastors of souls are obliged to ensure that their own church community provides for Christ's faithful the assistance by which the married state is preserved in its Christian character and develops in perfection. This assistance is to be given principally:

1⁰ by preaching, by catechetical instruction adapted to children, young people and adults, so that Christ's faithful are instructed in the meaning of Christian marriage and in the role of Christian spouses and parents;

2⁰ by personal preparation for entering marriage, so that the spouses are disposed to the holiness and the obligations of their new state;

3⁰ by the fruitful celebration of the marriage liturgy, so that it clearly emerges that the spouses manifest, and participate in, the mystery of the unity and love between Christ and the Church;

4⁰ by the help given to those who have entered marriage, so that by faithfully observing and protecting their covenant, they may day by day achieve a holier and a fuller family life.

CHAPTER II: MATRIMONIAL CONSENT

Can. 563 The following are incapable of contracting marriage:

1⁰ those who lack sufficient use of reason;

2⁰ those who suffer from a grave lack of discretionary judgment concerning the essential matrimonial rights and obligations to be mutually given and accepted;

3^o those who, because of causes of a psychological nature, are unable to assume the essential obligations of marriage.

Can. 564 § I Error about a person renders a marriage invalid.

§ 2 Error about a quality of the person even though it be the reason for the contract, does not render a marriage invalid unless this quality is directly and principally intended.

Can. 565 A person contracts invalidly who enters marriage through an act of deceit, perpetrated in order to secure consent, concerning some quality of the other party, which of its very nature can seriously disrupt the partnership.

Can. 566 Provided it does not determine the will, error concerning the unity or the indissolubility or the sacramental dignity of marriage does not annul matrimonial consent.

Can. 567 Knowledge of or opinion about the nullity of a marriage does not necessarily exclude matrimonial consent.

Can. 568 § 1 The internal consent of the mind is presumed to conform to the words or the signs used in the celebration of a marriage.

§ 2 If, however, either or both of the parties should by a positive act of will exclude marriage itself or any essential element of marriage or any essential property, such party contracts invalidly.

Can. 569 § 1 Marriage cannot be validly contracted subject to a condition concerning the future.

§ 2 Marriage entered into subject to a condition concerning the past or the present is valid or not, according as whatever is the basis of the condition exists or not.

Can. 570 A marriage is invalid which was entered into by reason of force or of grave fear imposed from outside, even if not purposely, from which the person has no escape other than by choosing marriage.

Can. 571 § 1 To contract marriage validly it is necessary that the contracting parties be present together.

§ 2 The spouses are to express their matrimonial consent in words; if, however, they cannot speak, then by equivalent signs.

Can. 572 Marriage can be contracted through an interpreter, but the parish priest may not assist at such a marriage unless he is certain of the trustworthiness of the interpreter.

Can. 573 Even if a marriage has been entered into invalidly by reason of an impediment or defect of form, the consent given is presumed to persist until its withdrawal has been established.

CHAPTER III: THE EFFECTS OF MARRIAGE

Can. 574 From a valid marriage there arises between the spouses a bond which of its own nature is permanent and exclusive. Moreover, in Christian marriage the spouses are by a special sacrament strengthened and, as it were, consecrated for the duties and the dignity of their state.

Can. 575 Each spouse has an equal obligation and right to whatever pertains to the partnership.

Can. 576 Parents have the most grave obligation and the primary right to do all in their power to ensure their children's physical, social, cultural, moral and religious upbringing.

PART II: THE OTHER ACTS OF DIVINE WORSHIP

TITLE I: SACRAMENTALS

Can. 577 Sacramentals are sacred signs which in a sense imitate the sacraments. They signify certain effects, especially spiritual ones, and they achieve these effects through the intercession of the Church.

Can. 578 The minister of the sacramentals is a cleric who has the requisite power. In accordance with the liturgical books and subject to the judgment of the local Ordinary, certain sacramentals can also be administered by lay people who possess the appropriate qualities.

Can. 579 § 1 Consecrations and dedications can be validly carried out by those who are invested with the episcopal character, and by priests who are permitted to do so by law or by legitimate grant.

§ 2 Any priest can impart blessings, except for those reserved to Bishops.

§ 3 A deacon can impart only those blessings which are expressly permitted to him by law.

Can. 580 While blessings are to be imparted primarily to Catholics; they may be given also to catechumens and non-Catholics.

Can. 581 Sacred objects, set aside for divine worship by dedication or blessing, are to be treated with reverence. They are not to be made over to secular or inappropriate use, even though they may belong to private persons.

TITLE II: THE LITURGY OF THE HOURS

Can. 582 In fulfillment of the priestly office of Christ, the Church celebrates the liturgy of the hours, wherein it listens to God speaking to his people and recalls the mystery of salvation. In this way, the Church praises God without ceasing, in song and prayer, and it intercedes with him for the salvation of the whole world.

Can. 583 § 1 Clerics are encouraged to recite the liturgy of the hours.

§ 2 Others also of Christ's faithful are earnestly invited, according to circumstances, to take part in the liturgy of the hours as an action of the Church.

Can. 584 In carrying out the liturgy of the hours, each particular hour is, as far as possible, to be recited at the time assigned to it.

TITLE III: CHURCH FUNERALS

Can. 585 § 1 Christ's faithful who have died are to be given a Church funeral according to the norms of law.

§ 2 Church funerals are to be celebrated according to the norms of the liturgical books. In these funeral rites the Church prays for the spiritual support of the dead, it honors their bodies, and at the same time it brings to the living the comfort of hope.

CHAPTER I: THE CELEBRATION OF FUNERALS

Can. 586 The funeral of any deceased member of the faithful should normally be celebrated in the church of that person's proper parish. However, the funeral may be celebrated anywhere, within discretion, according to the needs and circumstances of the family.

Can. 587 The poor are not deprived of proper funeral rites.

Can. 588 After the burial an entry is to be made in the register of the dead, in accordance with particular law.

TITLE IV: THE CULT OF THE SAINTS, OF SACRED IMAGES AND OF RELICS

Can. 589 To foster the sanctification of the people of God, the Church commends to the special and filial veneration of Christ's faithful the Blessed Mary ever Virgin, the Mother of God, whom Christ constituted the Mother of all. The Church also promotes the true and authentic cult of the other Saints, by whose example the faithful are edified and by whose intercession they are supported.

Can. 590 It is absolutely forbidden to sell sacred relics or blessed objects.

PART III: SACRED PLACES AND TIMES

TITLE I: SACRED PLACES

Can. 591 Sacred places are those which are assigned to divine worship or to the burial of the faithful by the dedication or blessing which the liturgical books prescribe for this purpose.

Can. 592 Sacred places are blessed by the Ordinary, but the blessing of churches is reserved to the diocesan Bishop. Both may, however, delegate another priest for the purpose.

Can. 593 A document is to be drawn up to record the dedication or blessing of a church, or the blessing of a cemetery. One copy is to be kept in the diocesan curia, the other in the archive of the church.

Can. 594 In a sacred place only those things are to be permitted which serve to exercise or

promote worship, piety and religion. Anything out of harmony with the holiness of the place is forbidden. The Ordinary may however, for individual cases, permit other uses, provided they are not contrary to the sacred character of the place.

Can. 595 Sacred places are desecrated by acts done in them which are gravely injurious and give scandal to the faithful when, in the judgment of the local Ordinary, these acts are so serious and so contrary to the sacred character of the place that worship may not be held there until the harm is repaired by means of the penitential rite which is prescribed in the liturgical books.

Can. 596 Sacred places lose their dedication or blessing if they have been in great measure destroyed, or if they have been permanently made over to secular usage, whether by decree of the competent Ordinary or simply in fact.

CHAPTER I: CHURCHES

Can. 597 The term church means a sacred building intended for divine worship, to which the faithful have right of access for the exercise, especially the public exercise, of divine worship.

Can. 598 § 1 No church is to be built without the express and written consent of the diocesan Bishop.

§ 2 The diocesan Bishop is not to give his consent until he decides that the new church can serve the good of souls and that the necessary means will be available to build the church and to provide for divine worship.

§ 3 Even though they have received the diocesan Bishop's consent to establish a new house in a diocese or city, religious institutes must obtain the same Bishop's permission before they may build a church in a specific and determined place.

Can. 599 § 1 As soon as possible after completion of the building the new church is to be dedicated or at least blessed, following the laws of the sacred liturgy.

§ 2 Churches, especially cathedrals and parish churches, are to be dedicated by a solemn rite.

Can. 600 Each church is to have its own title.

Can. 601 Entry to a church at the hours of sacred functions is to be open to all people and free of charge.

CHAPTER II: ORATORIES AND PRIVATE CHAPELS

Can. 602 An oratory means a place which, by permission of the Ordinary, is set aside for divine worship, for the convenience of some community or group of the faithful who assemble there, to which however other members of the faithful may, with the consent of the competent Superior, have access.

Can. 603 The term private chapel means a place which, is set aside for divine worship, for the convenience of one or more individuals.

Can. 604 All religious celebrations/sacramental acts may be carried out in an oratory or chapel.

Can. 605 It is appropriate that oratories and private chapels be blessed according to the rite prescribed in the liturgical books. They must, however, be reserved for divine worship only and be freed from all domestic use.

CHAPTER III: ALTAR/ANTIMENSIONS

Can. 606 § 1 The altar on which the Eucharistic Sacrifice is celebrated is termed fixed if it is so constructed that it is attached to the floor and therefore cannot be moved; it is termed movable, if it can be removed.

§ 2 It is proper that in every church there should be a fixed altar. In other places which are intended for the celebration of sacred functions, the altar may be either fixed or movable.

Can. 607 § 1 Fixed altars are to be dedicated/consecrated, movable ones either dedicated or blessed, according to the rites prescribed in the liturgical books.

§ 2 The ancient tradition of placing relics of Martyrs or of other Saints within a fixed altar is to be retained, in accordance with the rites prescribed in the liturgical books.

Can. 608 An altar, whether fixed or movable, is to be reserved for divine worship alone, to the exclusion of any secular usage.

CHAPTER IV: CEMETERIES

Can. 609 § 1 Where possible, the Church is to have its own cemeteries, or at least an area in public cemeteries which is duly blessed and reserved for the deceased faithful.

§ 2 If, however, this is not possible, then individual graves are to be blessed in due form on each occasion.

TITLE II: SACRED TIMES

Can. 610 § 1 The calendar of Saints and holydays are followed according to traditional settings.

§ 2 Diocesan Bishops can proclaim special holydays or days of penance for their own dioceses or territories, but only for individual occasions.

Can. 611 Without prejudice to the right of diocesan Bishops, a parish priest, in individual cases, for a just reason and in accordance with the prescriptions of the diocesan Bishop, can give a dispensation from the obligation of observing a holyday or day of penance, or commute the obligation into some other pious works.

CHAPTER I: FEAST DAYS

Can. 612 § 1 The Lord's Day, on which the paschal mystery is celebrated, is by apostolic tradition to be observed in the universal Church as the primary holyday of obligation.

Can. 613 On Sundays and other holydays of obligation, the faithful are obliged to assist at Mass/Divine Liturgy. They are also to abstain from such work or business that would inhibit the worship to be given to God, the joy proper to the Lord's Day, or the due relaxation of mind and body.

Can. 614 § 1 The obligation of assisting at Mass/Divine Liturgy is satisfied wherever Mass/Divine Liturgy is celebrated in a rite either on a holyday itself or on the evening of the previous day.

§ 2 If it is impossible to assist at a Eucharistic celebration, either because no sacred minister is available or for some other grave reason, the faithful are strongly recommended to take part in a liturgy of the Word, if there be such in the parish church or some other sacred place, which is celebrated in accordance with the provisions laid down by the diocesan Bishop; or to spend an appropriate time in prayer, whether personally or as a family or, as occasion presents, in a group of families.

CHAPTER II: DAYS OF PENANCE

Can. 615 All Christ's faithful are obliged by divine law, each in their own way, to do penance. However, so that all may be joined together in a certain common practice of penance, days of penance are prescribed. On these days the faithful are in a special manner to devote themselves to prayer, to engage in works of piety and charity, and to deny themselves, by fulfilling their obligations more faithfully and especially by observing the fast and abstinence which the following canons prescribe.

Can. 616 The days and times of penance for the church are the season of Lent.

Can. 617. Abstinence and fasting are to be observed on Ash Wednesday and Good Friday, as well as other occasions designated by the Synod of Bishops.

Can. 618 The law of abstinence binds those who have completed their fourteenth year. The law of fasting binds those who have attained their majority, until the beginning of their sixtieth year. Pastors of souls and parents are to ensure that even those who by reason of their age are not bound by the law of fasting and abstinence, are taught the true meaning of penance.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

THE TEMPORAL GOODS OF THE CHURCH

Can. 619 § 1. To pursue its proper purposes, the American Catholic Church in the United States by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power.

§ 2. The proper purposes are principally: to order divine worship, and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy.

Can. 620 The American Catholic Church in the United States, the dioceses, as well as any other juridical person, public or private, are subjects capable of acquiring, retaining, administering, and alienating temporal goods according to the norm of law.

Can. 621 Under the supreme authority of the Synod of Bishops, ownership of goods belongs to that juridical person which has acquired them legitimately.

Can. 622 § 1. All temporal goods which belong to The American Catholic Church in the United States, or other public juridical persons in the Church are ecclesiastical goods and are governed by the following canons and their own statutes.

§2. The temporal goods of a private juridical person are governed by its own statutes but not by these canons unless other provision is expressly made.

Can. 623 In the following canons, the term Church signifies not only The American Catholic Church in the United States, but also any public juridical person in the Church unless it is otherwise apparent from the context or the nature of the matter.

TITLE I

THE ACQUISITION OF GOODS

Can. 624 The Church can acquire temporal goods by every just means of natural or positive law permitted to others.

Can. 625 The Christian faithful are free to give temporal goods for the benefit of the Church.

Can. 626 § 1. Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridical person, even a private one, are presumed given to the juridical person itself.

§2. Offerings given by the faithful for a certain purpose can be applied only for that same purpose.

TITLE II

THE ADMINISTRATION OF GOODS

Can. 627 By virtue of their primacy of governance, the Synod of Bishops is the supreme administrator and steward of all ecclesiastical goods.

Can. 628 With due regard for rights, legitimate customs, and circumstances, ordinaries are to take care of the ordering of the entire matter of the administration of ecclesiastical goods by issuing special instructions within the limits of universal and particular law.

Can. 629 The diocesan bishop must hear the finance council and college of consultors to place acts of administration which are more important in light of the economic condition of the diocese. In addition to the cases specially expressed in universal law or the charter of a foundation, however, he needs the consent of the finance council and of the college of

consultors to place acts of extraordinary administration. It is for the Synod of Bishops to define which acts are to be considered of extraordinary administration.

Can. 630 § 1. The administration of ecclesiastical goods pertains to the one who immediately governs the person to which the goods belong unless particular law, statutes, or legitimate custom determine otherwise and without prejudice to the right of the ordinary to intervene in case of negligence by an administrator.

§2. In the administration of the goods of a public juridical person which does not have its own administrators by law, the charter of the foundation, or its own statutes, the ordinary to whom it is subject is to appoint suitable persons for three years; the same persons can be reappointed by the ordinary.

Can. 631 Each juridical person is to have its own finance council or at least two counselors who, according to the norm of the statutes, are to assist the administrator in fulfilling his or her function.

Can. 632 Without prejudice to the prescripts of the statutes, administrators invalidly place acts which exceed the limits and manner of ordinary administration unless they have first obtained a written faculty from the ordinary.

Can. 633 All clerics or lay persons who take part in the administration of ecclesiastical goods by a legitimate title are bound to fulfill their functions in the name of the Church according to the norm of law.

Can. 634 Before administrators begin their function:

1^o they must take an oath before the Archbishop or his delegate that they will administer well and faithfully;

2^o they are to prepare and sign an accurate and clear inventory of immovable property, movable objects, whether precious or of some cultural value, or other goods, with their description and appraisal; any inventory already done is to be reviewed;

3^o one copy of this inventory is to be preserved in the archive of the administration and another in the archive of the curia; any change which the patrimony happens to undergo is to be noted in each copy.

Can. 635 § 1. All administrators are bound to fulfill their function with the diligence of a good householder.

§ 2. Consequently they must:

1^o exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary;

2^o take care that the ownership of ecclesiastical goods is protected by civilly valid methods;

3^o observe the prescripts of both canon and civil law or those imposed by a founder, a donor, or

legitimate authority, and especially be on guard so that no damage comes to the Church from the non-observance of civil laws;

4^o collect the return of goods and the income accurately and on time, protect what is collected, and use them according to the intention of the founder or legitimate norms;

5^o pay at the stated time the interest due on a loan or mortgage and take care that the capital debt itself is repaid in a timely manner;

6^o with the consent of the ordinary, invest the money which is left over after expenses and can be usefully set aside for the purposes of the juridical person;

7^o keep well organized books of receipts and expenditures;

8^o draw up a report of the administration at the end of each year;

9^o organize correctly and protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute are based, and deposit authentic copies of them in the archive of the curia when it can be done conveniently.

§ 3. It is strongly recommended that administrators prepare budgets of incomes and expenditures each year; it is left to particular law, however, to require them and to determine more precisely the ways in which they are to be presented.

Can. 636 Administrators of goods:

1^o in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church;

2^o are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.

Can. 637 § 1. Both clerical and lay administrators of any ecclesiastical goods whatever which have not been legitimately exempted from the power of governance of the diocesan bishop are bound by their office to present an annual report to the local ordinary who is to present it for examination by the finance council; any contrary custom is reprobated.

§ 2. According to norms to be determined by particular law, administrators are to render an account to the faithful concerning the goods offered by the faithful to the Church.

Can. 638 Administrators are neither to initiate nor to contest litigation in a civil forum in the name of a public juridical person, or The American Catholic Church in the United States, unless they have obtained the written permission of their own ordinary.

Can. 639 Even if not bound to administration by the title of an ecclesiastical office, administrators cannot relinquish their function on their own initiative; if the Church is harmed from an arbitrary withdrawal, moreover, they are bound to restitution.

TITLE III

CONTRACTS AND ESPECIALLY ALIENATION

Can. 640 The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same effects in canon law insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to divine law or canon.

Can. 641 The permission of the authority competent according to the norm of law is required for the valid alienation of goods which constitute by legitimate designation the stable patrimony of a public juridical person and whose value exceeds the sum defined by law.

Can. 642 § 1. The permission of the Synod of Bishops is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons.

§ 2. If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the permission is invalid.

§ 3. Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridical person whose goods are proposed for alienation and of previous alienations.

Can. 643 § 1. The alienation of goods whose value exceeds the defined minimum amount also requires the following:

1^o a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;

2^o a written appraisal by experts of the asset to be alienated.

§ 2. Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church.

Can. 644 § 1. An asset ordinarily must not be alienated for a price less than that indicated in the appraisal.

§ 2. The money received from the alienation is either to be invested carefully for the advantage of the Church or to be expended prudently according to the purposes of the alienation.

Can. 645 Whenever ecclesiastical goods have been alienated without the required canonical formalities but the alienation is valid civilly, it is for the competent authority, after having considered everything thoroughly, to decide whether and what type of action, namely, personal or real, is to be instituted by whom and against whom in order to vindicate the rights of the Church.

Can. 646 Attentive to local circumstances, it is for the Synod of Bishops to establish norms for the leasing of Church goods, especially regarding the permission to be obtained from competent ecclesiastical authority.

Can. 647 Unless an asset is of little value, ecclesiastical goods are not to be sold or leased to the administrators of these goods or to their relatives up to the fourth degree of consanguinity or affinity without the special written permission of competent authority.

TITLE IV

PIOUS WILLS IN GENERAL AND PIOUS FOUNDATIONS

Can. 648 § 1. A person who by natural law and canon law is able freely to dispose of his or her goods can bestow goods for pious causes either through an act inter vivos or through an act mortis causa.

§ 2. In dispositions mortis causa for the good of the Church, the formalities of civil law are to be observed if possible; if they have been omitted, the heirs must be admonished regarding the obligation, to which they are bound, of fulfilling the intention of the testator.

Can. 649 The legitimately accepted wills of the faithful who give or leave their resources for pious causes, whether through an act inter vivos or through an act mortis causa, are to be fulfilled most diligently even regarding the manner of administration and distribution of goods.

Can. 650 § 1. The ordinary is the executor of all pious wills whether mortis causa or inter vivos.

§ 2. By this right, the ordinary can and must exercise vigilance, even through visitation, so that pious wills are fulfilled, and other executors are bound to render him an account after they have performed their function.

§ 3. Stipulations contrary to this right of an ordinary attached to last wills and testaments are to be considered non-existent.

Can. 651 § 1. A person who has accepted goods in trust for pious causes either through an act inter vivos or by a last will and testament must inform the ordinary of the trust and indicate to him all its movable and immovable goods with the obligations attached to them. If the donor has expressly and entirely prohibited this, however, the person is not to accept the trust.

§ 2. The ordinary must demand that goods held in trust are safeguarded and also exercise vigilance for the execution of the pious will.

§ 3. When goods held in trust have been entrusted to a member of a religious institute or society of apostolic life and if the goods have also been designated for some place or diocese or for the assistance of their inhabitants or pious causes, the ordinary mentioned in §§ 1 and 2 is the local ordinary; otherwise, it is the major superior in a clerical institute of pontifical right and in clerical societies of apostolic life of pontifical right or the proper ordinary of the member in other religious institutes.

Can. 652 § 1. For a juridical person to be able to accept a foundation validly, the written permission of the ordinary is required. He is not to grant this permission before he has legitimately determined that the juridical person can satisfy both the new obligation to be

undertaken and those already undertaken; most especially he is to be on guard so that the revenues completely respond to the attached obligations, according to the practice of each place or region.

§ 2. Particular law is to define additional conditions for the establishment and acceptance of foundations.

Can. 653 Money and movable goods assigned to an endowment are to be deposited immediately in a safe place approved by the ordinary so that the money or value of the movable goods is protected; as soon as possible, these are to be invested cautiously and usefully for the benefit of the foundation, with express and specific mention made of the obligation; this investment is to be made according to the prudent judgment of the ordinary, after he has heard those concerned and his own finance council.

Can. 654 § 1. Foundations, even if made orally, are to be put in writing.

§ 2. One copy of the charter is to be preserved safely in the archive of the curia and another copy in the archive of the juridical person to which the foundation belongs.

Can. 655 § 1. A list of the obligations incumbent upon pious foundations is to be composed and displayed in an accessible place so that the obligations to be fulfilled are not forgotten.

§ 2. A book is to be maintained and kept by the pastor or rector in which the individual obligations, their fulfillment, and the offerings are noted.

Can. 656 § 1. The ordinary, only for a just and necessary cause, can reduce, moderate, or commute the wills of the faithful for pious causes if the founder has expressly entrusted this power to him.

§ 2. If through no fault of the administrators the fulfillment of the imposed obligations has become impossible because of diminished revenues or some other cause, the ordinary can equitably lessen these obligations, after having heard those concerned and his own finance council and with the intention of the founder preserved as much as possible.

§ 3. In other cases, recourse is to be made to the Synod of Bishops.

BOOK VI: SANCTIONS IN THE CHURCH

PART I: OFFENCES AND PUNISHMENTS IN GENERAL

TITLE I: THE PUNISHMENT OF OFFENSES

IN GENERAL

Can. 657 The Church has its own inherent right to constrain with penal sanctions Christ's faithful who commit offences.

Can. 658 § 1 The penal sanctions in the Church are:

1^o medicinal penalties or censures, which are listed in can. 674-676;

2^o expiatory penalties, mentioned in Can. 679;

§ 2 The law may determine other expiatory penalties which deprive a member of Christ's faithful of some spiritual or temporal good, and are consistent with the Church's supernatural purpose, the salvation of souls.

§ 3 Use is also made of penal remedies and penances: the former primarily to prevent offences, the latter rather to substitute for or to augment a penalty.

TITLE II: PENAL LAW AND PENAL PRECEPT

Can. 659 § 1 If a law is changed after an offence has been committed; the law more favorable to the offender is to be applied.

§ 2 If a later law removes a law, or at least a penalty, the penalty immediately lapses.

Can. 660 A penalty is for the most part *ferendae sententiae*, that is, not binding upon the offender until it has been imposed. It is, however, *latae sententiae*, so that it is incurred automatically upon the commission of an offence, if a law or precept expressly lays this down.

Can. 661 § 1 Whoever has legislative power can also make penal laws. A legislator can, however, by laws of his own, reinforce with a fitting penalty a divine law or a Church law of a higher authority, observing the limits of his competence in respect of territory of persons.

§ 2 A law can either itself determine the penalty or leave its determination to the prudent decision of a judge.

Can. 662 Penalties are to be established only in so far as they are really necessary for the better maintenance of Church discipline, and never to impede the salvation of souls.

Can. 663 A legislator is not to threaten *latae sententiae* penalties, except perhaps for some outstanding and malicious offences which may be either more grave by reason of scandal or such that they cannot be effectively punished by *ferendae sententiae* penalties. He is not, however, to constitute censures, especially excommunication, except with the greatest moderation, and only for the more grave offences. The reconciliation of the offender is the only motivation for such an action, and punitive effect is never to be desired or pursued.

Can. 664 § 1 To the extent to which a legislator can impose precepts by virtue of the power of governance in the external forum, to that extent can he also by precept threaten a determined penalty, other than a perpetual expiatory penalty.

§ 2 A precept to which a penalty is attached is not to be issued unless the matter has been very carefully considered.

TITLE III: THOSE WHO ARE LIABLE TO PENAL SANCTIONS

Can. 665 § 1 No one can be punished for the commission of an external violation of a law or precept unless it is gravely imputable by reason of malice or of culpability.

§ 2 A person who deliberately violated a law or precept is bound by the penalty prescribed in that law or precept. If, however, the violation was due to the omission of due diligence, the person is not punished unless the law or precept provides otherwise.

§ 3 Where there has been an external violation, imputability is presumed, unless it appears otherwise.

Can. 666 Those who habitually lack the use of reason, even though they appeared sane when they violated a law or precept, are deemed incapable of committing an offence.

Can. 667 No one is liable to a penalty who, when violating a law or precept:

1° has not completed the sixteenth year of age;

2° was, without fault, ignorant of violating the law or precept; inadvertence and error are equivalent to ignorance.

3° acted under physical force, or under the impetus of a chance occurrence which the person could not foresee or if foreseen could not avoid;

4° acted under the compulsion of grave fear, even if only relative, or by reason of necessity or grave inconvenience, unless, however, the act is intrinsically evil or tends to be harmful to souls;

5° acted, within the limits of due moderation, in lawful self-defense or defense of another against an unjust aggressor;

6° lacked the use of reason, without prejudice to the provisions of can. 668, §1, n. 2 and 669;

7° thought, through no personal fault, that some one of the circumstances existed which are mentioned in nn. 4 or 5.

Can. 668 § 1 The perpetrator of a violation is not exempted from penalty, but the penalty prescribed in the law or precept must be diminished, or a penance substituted in its place, if the offence was committed by:

1° one who had only an imperfect use of reason;

2° one who was lacking the use of reason because of culpable drunkenness or other mental disturbance of a similar kind;

3° one who acted in the heat of passion which, while serious, nevertheless did not precede or hinder all mental deliberation and consent of the will, provided that the passion itself had not been deliberately stimulated or nourished:

4° a minor who has completed the sixteenth year of age;

5° one who was compelled by grave fear, even if only relative, or by reason of necessity or grave inconvenience, if the act is intrinsically evil or tends to be harmful to souls;

6° one who acted in lawful self-defense or defense of another against an unjust aggressor, but did not observe due moderation;

7° one who acted against another person who was gravely and unjustly provocative;
go one who erroneously, but culpably, thought that some one of the circumstances existed which are mentioned in Can. 637, nn. 4 or 5;

9° one who through no personal fault was unaware that a penalty was attached to the law or precept;

10° one who acted without full imputability provided it remained grave.

§ 2 A judge can do the same if there is any other circumstance present which would reduce the gravity of the offence.

§ 3 In the circumstances mentioned in §1, the offender is not bound by a latae sententiae penalty.

Can. 669 Ignorance which is crass or faked can never be taken into account when applying the provisions of can. 667 and 668. Likewise, drunkenness or other mental disturbances cannot be taken into account if these have been deliberately sought so as to commit the offence or to excuse it; nor can passion which has been deliberately stimulated or nourished.

Can. 670 § 1 A judge may inflict a more serious punishment than that prescribed in the law or precept when:

1° a person, after being condemned, or after the penalty has been declared, continues so to offend that obstinate ill-will may prudently be concluded from the circumstances;

2° a person who is established in some position of dignity, or who has abused a position of authority or an office, in order to commit a crime;

3° an offender, who, after a penalty for a culpable offence was constituted, foresaw the event but nevertheless omitted to take the precautions to avoid it which any careful person would have taken.

§ 2 In the cases mentioned in 1, if the penalty constituted is latae sententiae, another penalty or a penance may be added.

Can. 671 § 1 One who in furtherance of an offence did something or failed to do something but then, involuntarily, did not complete the offence, is not bound by the penalty prescribed for the completed offence, unless the law or a precept provides otherwise.

§ 2 If the acts or the omissions of their nature lead to the carrying out of the offence, the person

responsible maybe subjected to a penance or to a penal remedy, unless he or she had spontaneously desisted from the offence which had been initiated. However, if scandal or other serious harm or danger has resulted, the perpetrator, even though spontaneously desisting, may be punished by a just penalty, but of a lesser kind than that determined for the completed crime.

Can. 672 § 1 Where a number of persons conspire together to commit an offence, and accomplices are not expressly mentioned in the law or precept, if *ferendae sententiae* penalties were constituted for the principal offender, then the others are subject to the same penalties or to other penalties of the same or a lesser gravity.

§ 2 In the case of a *latae sententiae* penalty attached to an offence, accomplices, even though not mentioned in the law or precept, incur the same penalty if, without their assistance, the crime would not have been committed, and if the penalty is of such a nature as to be able to affect them; otherwise, they can be punished with *ferendae sententiae* penalties.

Can. 673 An offence which consists in a declaration or in some other manifestation of doctrine or knowledge, is not to be regarded as effected if no one actually perceives the declaration or manifestation.

TITLE IV: PENALTIES AND OTHER PUNISHMENTS

CHAPTER I: CENSURES

Can. 674 § 1 An excommunicated person is forbidden:

1° to have any ministerial part in the celebration of the Sacrifice of the Eucharist or in any other ceremonies of public worship;

2° to celebrate the sacraments or sacramentals and to receive the sacraments;

3° to exercise any Church offices, ministries, functions or acts of governance.

§ 2 If the excommunication has been imposed or declared, the offender:

1° proposing to act in defiance of the provision of § 1, n. 1 is to be removed, or else the liturgical action is to be suspended, unless there is a grave reason to the contrary ;

2° invalidly exercises any acts of governance which, in accordance with §1, n.3, are unlawful;

3° is forbidden to benefit from privileges already granted;

4° cannot validly assume any dignity, office or other function in the Church;

5° loses the title to the benefits of any dignity, office, function or pension held in the Church.

Can. 675 One who is under interdict is obliged by the prohibition of Can. 644 § 1, no. I and 2 if the interdict was imposed or declared, the provision of Can. 644 §2, n. 1 is to be observed.

Can. 676 § I Suspension, which can affect only clerics, prohibits:

- 1° all or some of the acts of the power of order;
- 2° all or some of the acts of the power of governance;
- 3° the exercise of all or some of the rights or functions attaching to an office.

§ 2 In a law or a precept it may be prescribed that, after a judgment which imposes or declares the penalty, a suspended person cannot validly perform acts of the power of governance.

§ 3 The prohibition never affects:

- 1° any offices or power of governance which are not within the control of the Superior who establishes the penalty;
- 2° a right of residence which the offender may have by virtue of office;
- 3° the right to administer goods which may belong to an office held by the person suspended, if the penalty is *latae sententiae*.

§ 4 A suspension prohibiting the receipt of benefits, stipends, pensions or other such things, carries with it the obligation of restitution of whatever has been unlawfully received, even though this was in good faith.

Can. 677 § 1 The extent of a suspension within the limits laid down in the preceding canon, is defined either by the law or precept, or by the judgment or decree whereby the penalty is imposed.

§ 2 A law, but not a precept, can establish a *latae sententiae* suspension without an added determination or limitation; such a penalty has all the effects enumerated in Can. 675 §1.

Can. 678 If a censure prohibits the celebration of the sacraments or sacramentals or the exercise of a power of governance, the prohibition is suspended whenever this is necessary to provide for the faithful who are in danger of death. If a *latae sententiae* censure has not been declared, the prohibition is also suspended whenever one of the faithful requests a sacrament or sacramental or an act of the power of governance; for any just reason it is lawful to make such a request.

CHAPTER II: EXPIATORY PENALTIES

Can. 679 § 1 Expiatory penalties can affect the offender either forever or for a determinate or an indeterminate period. Apart from others which the law may perhaps establish, these penalties are as follows:

- 1° a prohibition against residence, or an order to reside, in a certain place or territory;
- 2° deprivation of power, office, function, right, privilege, faculty, favor, title or insignia, even of a merely honorary nature;

3° a prohibition on the exercise of those things enumerated in n. 2, or a prohibition on their exercise inside or outside a certain place; such a prohibition is never under pain of nullity;

4° a penal transfer to another office;

5° dismissal from the clerical state.

§ 2 Only those expiatory penalties may be *latae sententiae* which are enumerated in §1, n. 3.

Can. 680 § 1 A prohibition against residing in a certain place or territory can affect both clerics and religious. An order to reside in a certain place can affect secular clerics and, within the limits of their constitutions, religious.

§ 2 An order imposing residence in a certain place or territory must have the consent of the Ordinary of that place, unless there is question of a house set up for penance or rehabilitation of clerics, including extradiocesans.

Can. 681 § 1 The deprivations and prohibitions enumerated in Can. 679 § 1, un. 2 and 3 never affect powers, offices, functions, rights, privileges, faculties, favors, titles or insignia, which are not within the control of the Superior who establishes the penalty.

§ 2 There can be no deprivation of the power of order, but only a prohibition against the exercise of it or of some of its acts; neither can there be a deprivation of academic degrees.

§3 The norm laid down for censures in Can. 678 is to be observed in regard to the prohibitions mentioned in Can. 648 § 1, n. 3.

CHAPTER III: PENAL REMEDIES AND PENANCES

Can. 682 § 1 When someone is in a proximate occasion of committing an offence or when, after an investigation, there is a serious suspicion that an offence has been committed, the Ordinary either personally or through another can give that person warning.

§ 2 In the case of behavior which gives rise to scandal or serious disturbance of public order, the Ordinary can also correct the person, in a way appropriate to the particular conditions of the person and of what has been done.

Can. 683 § 1 A penance, which is imposed in the external forum, is the performance of some work of religion or piety or charity.

§ 2 A public penance is never to be imposed for an occult transgression.

§ 3 According to his prudent judgment, the Ordinary may add penances to the penal remedy of warning or correction.

TITLE V: THE APPLICATION OF PENALTIES

Can. 684 The Ordinary is to start a judicial or an administrative procedure for the imposition or the declaration of penalties only when he perceives that neither by fraternal correction or

reproof, nor by any methods of pastoral care, can the scandal be sufficiently repaired, justice restored and the offender reformed.

Can. 685 § 1 Whenever there are just reasons against the use of a judicial procedure, a penalty can be imposed or declared by means of an extra-judicial decree; in every case, penal remedies and penances may be applied by a decree.

§ 2 Perpetual penalties cannot be imposed or declared by means of a decree; nor can penalties which the law or precept establishing them forbids to be applied by decree.

§3. What the law or decree says of a judge in regard to the imposition or declaration of a penalty in a trial, is to be applied also to a Superior who imposes or declares a penalty by an extra-judicial decree unless it is otherwise clear, or unless there is question of provisions which concern only procedural matters.

Can. 686 If a law or precept gives the judge the power to apply or not to apply a penalty; the judge may also, according to his own conscience and prudence, modify the penalty or in its place impose a penance. The judge must keep in mind the supreme law of the Church—the salvation of souls—and the goal of any judicial action to call the offender to conversion of life, reconciliation with the faithful, and the embrace of charitable forgiveness for the offense committed.

Can. 687 Even though the law may use obligatory words, the judge may, according to his own conscience and prudence:

1° defer the imposition of the penalty to a more opportune time, if it is foreseen that greater evils may arise from a too hasty punishment of the offender;

2° abstain from imposing the penalty or substitute a milder penalty or a penance, if the offender has repented and repaired the scandal, or if the offender has been or foreseeably will be sufficiently punished by the civil authority;

3° may suspend the obligation of observing an expiatory penalty, if the person is a first-offender after a hitherto blameless life, and there is no urgent need to repair scandal; this is, however, to be done in such a way that if the person again commits an offence within a time laid down by the judge, then that person must pay the penalty for both offences, unless in the meanwhile the time for prescription of a penal action in respect of the former offence has expired.

Can. 688 Whenever the offender had only an imperfect use of reason, or committed the offence out of fear or necessity or in the heat of passion or with a mind disturbed by drunkenness or a similar cause, the judge can refrain from inflicting any punishment if he considers that the person's reform may be better accomplished in some other way.

Can. 689 Whenever the offender has committed a number of offences and the sum of penalties which should be imposed seems excessive, it is left to the prudent decision of the judge to moderate the penalties in an equitable fashion.

Can. 690 § 1 A censure cannot validly be imposed unless the offender has beforehand received

at least three warnings to purge the contempt, and has been allowed suitable time to do so.

§ 2 The offender is said to have purged the contempt if he or she has truly repented of the offence and has made, or at least seriously promised to make, reparation for the damage and scandal.

Can. 691 When the person has been found not guilty of an accusation, or where no penalty has been imposed, the Ordinary may provide for the person's welfare or for the common good by opportune warnings or other solicitous means, and even, if the case calls for it, by the use of penal remedies.

Can. 692 If a penalty is indeterminate, and if the law does not provide otherwise, the judge is not to impose graver penalties, especially censures, unless the seriousness of the case really demands it. He may not impose penalties which are perpetual.

Can. 693 A penalty binds an offender everywhere, even when the one who established or imposed it has ceased from office, unless it is otherwise expressly provided.

Can. 694 § 1 If a penalty prohibits the reception of the sacraments or sacramentals, the prohibition is suspended for as long as the offender is in danger of death.

§ 2 The obligation of observing a *latae sententiae* penalty which has not been declared, and is not notorious in the place where the offender actually is, is suspended either in whole or in part to the extent that the offender cannot observe it without the danger of grave scandal or loss of good name.

Can. 695 An appeal or recourse against judgments of a court or against decrees which impose or declare any penalty, has a suspensive effect.

TITLE VI: THE CESSATION OF PENALTIES

Can. 696 § 1 Besides those who are enumerated in can. 697--698, all who can dispense from a law which is supported by a penalty, can also remit the penalty itself.

§ 2 Moreover, a law or precept which establishes a penalty can also grant to others the power of remitting the penalty.

§ 3 If the Synod of Bishops has reserved the remission of a penalty to itself or to others, the reservation is to be strictly interpreted and in accordance with the supreme law of the Church, absolution and the remission of the penalty shall be quickly and immediately granted to the penitent offender.

Can. 697 § 1 Provided it is not reserved to the Synod of Bishops, a penalty which is established by law and has been imposed or declared, can be remitted by the following:

1^o the Ordinary who initiated the judicial proceedings to impose or declare the penalty, or who by a decree, either personally or through another, imposed or declared it;

2^o the Ordinary of the place where the offender actually is, after consulting the Ordinary

mentioned in n. 1, unless because of extraordinary circumstances this is impossible.

§ 2 Provided it is not reserved to the Synod of Bishops, a *latae sententiae* penalty established by law but not yet declared, can be remitted by the Ordinary in respect of his subjects and of those actually in his territory or of those who committed the offence in his territory. Moreover, any Bishop can do this, but only in the course of sacramental confession.

§ 3 During a grave illness, or in danger of death, any priest may grant sacramental absolution from sin and all ecclesiastical penalties.

Can. 698 § 1 A *ferendae* or a *latae sententiae* penalty established in a precept not issued by the Synod of Bishops, can be remitted by the following:

1° the Ordinary of the place where the offender actually is;

2° if the penalty has been imposed or declared, the Ordinary who initiated the judicial proceedings to impose or declare the penalty, or who by a decree, either personally or through another, imposed or declared it.

§ 2 Before the remission is granted, the author of the precept is to be consulted, unless because of extraordinary circumstance this is impossible.

Can. 699 If one is bound by a number of penalties, a remission is valid only for those penalties expressed in it. A general remission, however, removes all penalties, except those which in the petition have been concealed in bad faith.

Can. 700 The remission of a penalty extorted by grave fear is invalid

Can. 701 § 1 A remission can be granted even to a person who is not present, or conditionally.

§ 2 A remission in the external forum is to be granted in writing, unless a grave reason suggests otherwise.

§ 3 Care is to be taken that the petition for remission or the remission itself is not made public, except insofar as this would either be useful for the protection of the good name of the offender, or be necessary to repair scandal.

Can. 702 A criminal action is extinguished by prescription after three years.

PART II: PENALTIES FOR PARTICULAR OFFENCES

TITLE I: OFFENCES AGAINST RELIGION AND THE UNITY OF THE CHURCH

Can. 703 § 1 An apostate from the faith, a heretic or a schismatic incurs a *latae sententiae* excommunication, and may be punished with just penalties.

§ 2 If the person is a cleric, other penalties may be added, not excluding dismissal from the clerical state.

Can. 704 One who is guilty of prohibited participation in religious rites is to be punished with a just penalty.

Can. 705 One who throws away the consecrated species or, for a sacrilegious purpose, takes them away or keeps them, incurs a *latae sententiae* excommunication reserved to the Synod of Bishops; a cleric, moreover, may be punished with some other penalty, not excluding dismissal from the clerical state.

Can. 706 A person, who, in asserting or promising something before a Church authority, commits perjury, is to be punished with a just penalty.

TITLE II: OFFENCES AGAINST CHURCH AUTHORITIES AND THE FREEDOM OF THE CHURCH

Can. 707 § 1 A person who uses physical force against the Synod of Bishops incurs a *latae sententiae* excommunication reserved to the Synod of Bishops; if the offender is a cleric, another penalty, not excluding dismissal from the clerical state, may be added according to the gravity of the crime.

§ 2 One who does this against a Bishop incurs a *latae sententiae* interdict and, if a cleric, he incurs also a *latae sententiae* suspension.

§ 3 A person who uses physical force against a cleric or religious out of contempt for the faith, or the Church, or Church authority or the ministry, is to be punished with a just penalty.

Can. 708 A person who publicly incites his or her subjects to hatred or animosity against the Synod of Bishops or the Ordinary because of some act of Church authority or ministry, or who provokes the subjects to disobedience against them, is to be punished by interdict or other just penalties.

Can. 709 A person who joins an association which plots against the Church is to be punished with a just penalty one who promotes or takes office in such an association is to be punished with an interdict.

Can. 710 Those who hinder the freedom of the ministry or of an election or of the exercise of Church power, or the lawful use of sacred or other Church goods, or who intimidate either an elector or one who is elected or one who exercises Church power or ministry, may be punished with a just penalty.

Can. 711 A person who profanes a sacred object, moveable or immovable, is to be punished with a just penalty.

Can. 712 A person who without the prescribed permission alienates Church goods, is to be punished with a just penalty.

TITLE III: USURPATION OF CHURCH OFFICES AND OFFENCES COMMITTED IN THEIR EXERCISE

Can. 713 The following incur a *latae sententiae* interdict or, if a cleric, a *latae sententiae* suspension:

§ 1 a person who, not being an ordained priest, attempts to celebrate Mass/Divine Liturgy.

§ 2 a person who, apart from the case mentioned in § 1, though unable to give valid sacramental absolution, attempts to do so, or hears a sacramental confession.

Can. 714 A person who, apart from the cases mentioned in Can. 683, pretends to administer a sacrament, is to be punished with a just penalty.

Can. 715 A person who through simony celebrates or receives a sacrament, is to be punished with an interdict or suspension.

Can. 716 § 1 Anyone who usurps a Church office is to be punished with a just penalty.

§ 2 The unlawful retention of a Church office after being deprived of it, or ceasing from it, is equivalent to usurpation.

Can. 717 Both the Bishop who, without the mandate of the Synod of Bishops, consecrates a person a Bishop, and the one who receives the consecration from him, incur a *latae sententiae* excommunication reserved to the Synod of Bishops.

Can. 718 A cleric who submits to sub-conditione ordination incurs *latae sententiae* excommunication and suspension "Ad Divinus" reserved to the Synod of Bishops.

Can. 719 A person who gives or promises something so that some one who exercises an office in the Church would unlawfully act or fail to act, is to be punished with a just penalty; likewise, the person who accepts such gifts or promises.

Can. 720 A priest who in confession, or on the occasion or under the pretext of confession, solicits a penitent to commit a sin against the sixth commandment of the Decalogue, is to be punished, according to the gravity of the offence, with suspension, prohibitions and deprivations; in the more serious cases he is to be dismissed from the clerical state.

Can. 721 A confessor who directly violates the sacramental seal, incurs a *latae sententiae* excommunication reserved to the Synod of Bishops; he who does so only indirectly is to be punished according to the gravity of the offence.

Can. 722 § 1 A person who abuses Church power or an office, is to be punished according to the gravity of the act or the omission, not excluding by deprivation of the office, unless a penalty for that abuse is already established by law or precept.

§ 2 A person who, through culpable negligence, unlawfully and with harm to another, performs or omits an act of Church power or ministry or office, is to be punished with a just penalty.

TITLE IV: THE OFFENCE OF FALSEHOOD

Can. 723 § 1 A person who falsely denounces a confessor of the offence mentioned in can.

690 to a Church Superior, incurs a latae sententiae interdict and, if a cleric, he incurs also a suspension.

§ 2 A person who calumniously denounces an offence to a Church Superior, or otherwise injures the good name of another, can be punished with a just penalty, not excluding a censure.

§ 3 The calumniator can also be compelled to make appropriate amends.

Can. 724 The following can be punished with a just penalty, according to the gravity of the offence:

1° a person who composes a false public Church document, or who changes or conceals a genuine one, or who uses a false or altered one

2° a person who in a Church matter uses some other false altered document;

3° a person who, in a public Church document, asserts something false.

TITLE V: OFFENCES AGAINST SPECIAL OBLIGATIONS

Can. 725 Clerics or religious who engage in trading or business contrary to the provisions of the canons are to be punished according to the gravity of the offence.

Can. 726 A person who violates obligations imposed by a penalty can be punished with a just penalty.

Can. 727 § 1 A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the crime was committed by force, or by threats, or in public, or with a minor under the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

§ 2 The American Catholic Church in the United States shall have, and does herewith state that it does have, a Zero Tolerance for any of its clergy or religious who abuse any persons, especially minors in any way: sexually, physically or emotionally. The Synod of Bishops of the ACCUS has adopted this policy and will enforce it throughout the jurisdiction of the ACCUS without exception.

§ 3 The ACCUS formally charges its priests, deacons, bishops, religious and candidates for Orders to report to competent local authority(s) any suspected instance where any person, most especially children are being abused: sexually, physically or emotionally, in all instances where this knowledge is known to them in a public way.

§ 4 Priests or Bishops who have knowledge of abuse known to them from within a Sacramental forum, that is, known to them through the Sacrament of Penance, must maintain the absolute private and sacred nature of the Seal of Confession. The Sacramental Seal of Confession must be maintained inviolate; nothing heard or learned of within the Sacrament may be repeated.

§ 5 Any cleric (deacon, priest, and bishop), religious or candidate for Orders, who is accused by competent civil authority of molesting any person, especially a minor, in any way, will be immediately suspended from ministry pending the review and resolution of these charges by competent civil proceedings.

§ 6 Any cleric, religious or candidate for Orders, who is found guilty by competent civil proceedings of abusing any person, especially a minor, will be permanently suspended from ministry and defrocked by the ACCUS. No recommendation to another church jurisdiction will be given without including these facts.

§ 7 No person known to the American Catholic Church in the United States to have been found guilty by competent civil proceedings of molesting any person, especially a minor will be accepted into the ACCUS as a cleric or religious.

TITLE VI: OFFENCES AGAINST HUMAN LIFE AND LIBERTY

Can. 728 One who commits murder, or who by force or by fraud abducts, imprisons, mutilates or gravely wounds a person, is to be punished, according to the gravity of the offence, with the deprivations and prohibitions.

TITLE VII: GENERAL NORM

Can. 729 Besides the cases prescribed in this or in other laws, the external violation of divine or canon law can be punished, and with a just penalty, only when the special gravity of the violation requires it and necessity demands that scandals be prevented or repaired.

BOOK VII: PROCESSES

PART I: TRIALS IN GENERAL

Can. 730 §1 The objects of a trial are:

1^o to pursue or vindicate the rights of physical or juridical persons, or to declare juridical facts;

2^o to impose or to declare penalties in regard to offences.

3^o to encourage and promote conversion of life and reconciliation—the salvation of souls.

§ 2 Disputes arising from an act of administrative power, however, can be referred only to the Superior or to an administrative tribunal.

Can. 731 The Church has its own and exclusive right to judge:

1^o cases which refer to matters which are spiritual or linked with the spiritual;

2^o the violation of Church laws and whatever contains an element of sin, to determine guilt and impose Church penalties.

Can. 732 All tribunals of the Church are governed by the canons which follow, without prejudice to the norms of the tribunals of the Synod of Bishops.

TITLE I: THE COMPETENT FORUM

Can. 733 It belongs to the Synod of Bishops to establish a system of tribunals and levels of competence within the context of the law.

Can. 734 Anyone who is a member of the church can be brought to trial before the tribunal.

Can. 735 Competence by reason of subject matter means that a party can be brought to trial before the tribunal of the place where the subject matter of the litigation is located, when ever the action concerns that subject matter directly, or when it is an action for the recovery of possession.

Can. 736 § 1 Competence by reason of contract means that a party can be brought to trial before the tribunal of the place in which the contract was made or must be fulfilled, unless the parties mutually agree to choose another tribunal.

§ 2 If the case concerns obligations which arise from some other title, the party can be brought to trial before the tribunal of the place in which the obligation arose or in which it is to be fulfilled.

Can. 737 A person accused in a penal case can, even though absent, be brought to trial before the tribunal of the place in which the offence was committed.

Can. 738 A party can be brought to trial:

1^o in cases concerning administration, before the tribunal of the place in which the administration was exercised;

2^o in cases concerning inheritances or pious legacies, before the tribunal of the last residence of the person whose inheritance or pious legacy is at issue. If, however, only the execution of the legacy is involved, the ordinary norms of competence are to be followed.

Can. 739 Competence by reason of connection means that cases which are inter-connected can be heard by one and the same tribunal and in the same process, unless this is prevented by a provision of the law.

Can. 740 Competence by reason of prior summons means that, if two or more tribunals are equally competent, the tribunal which has first lawfully summoned the respondent has the right to hear the case.

Can. 741 A conflict of competence between tribunals subject to the same appeal tribunal is to be resolved by the latter tribunal. If they are not subject to the same appeal tribunal, the conflict is to be settled by the Synod of Bishops.

TITLE II: DIFFERENT GRADES AND KINDS OF TRIBUNALS

Can. 742 § 1 Because of the primacy of the Synod of Bishops, any of the faithful may either refer their case to, or introduce it before, the Synod of Bishops, whether the case be contentious or penal. They may do so at any grade of trial or at any stage of the suit.

§ 2 Apart from the case of an appeal, a referral to the Synod of Bishops does not suspend the exercise of jurisdiction of a judge who has already begun to hear a case. The judge can, therefore, continue with the trial up to the definitive judgment, unless the Synod of Bishops has indicated to him that it has reserved the case to itself.

Can. 743 Every tribunal has the right to call on other tribunals for assistance in instructing a case or in communicating acts.

CHAPTER I: THE TRIBUNAL OF FIRST INSTANCE

ARTICLE 1: THE JUDGE

Can. 744 § 1 In each diocese and for all cases which are not expressly excepted in law, the judge of first instance is the diocesan Bishop. He can exercise his judicial power either personally or through others, in accordance with the following canons.

§ 2 If the case concerns the rights or temporal goods of a juridical person represented by the Bishop, the appeal tribunal is to judge in first instance.

Can. 745 § 1 Each diocesan Bishop is obliged to appoint a judicial Vicar, or 'Officialis', with ordinary power to judge. The judicial Vicar is to be a person distinct from the Vicar general, unless the smallness of the diocese or the limited number of cases suggests otherwise.

§ 2 The judicial Vicar constitutes one tribunal with the Bishop, but cannot judge cases which the Bishop reserves to himself.

§ 3 The judicial Vicar can be given assistants, who are called associate judicial Vicars or 'Vice-officiales'.

§ 4 The judicial Vicar and the associate judicial Vicars must be priests of good repute, with an understanding of canon law, and not less than thirty years of age.

§ 5 When the see is vacant, they do not cease from office, nor can they be removed by the diocesan Administrator. On the coming of the new Bishop, however, they need to be confirmed in office.

Can. 746 In each diocese the Bishop is to appoint diocesan judges, who are to be clerics or lay persons of good repute and have a clear understanding of the law.

Can. 747 The judicial Vicar, the associate judicial Vicars and the other judges are appointed for a specified period of time, without prejudice to the provision of can. 745 §5. They cannot be removed from office except for a lawful and grave reason.

Can. 748 In any trial a sole judge can associate with himself two assessors as advisers; they may be clerics or lay persons of good repute.

Can. 749 § 1 The following matters are reserved to a collegiate tribunal of three judges:

1^o contentious cases: concerning the bond of sacred ordination;

2^o penal cases: a) for offences which can carry the penalty of dismissal from the clerical state;
b) concerning the imposition or declaration of an excommunication.

§ 2 The Bishop can entrust the more difficult cases or those of greater importance to the judgment of three or of five judges.

§ 3 The judicial Vicar is to assign judges in order by rotation to hear the individual cases, unless in particular cases the Bishop has decided otherwise.

§ 4 Once judges have been designated, the judicial Vicar is not to replace them, except for a very grave reason, which must be expressed in a decree.

Can. 750 § 1 A collegiate tribunal must proceed in a collegiate fashion and give its judgment by majority vote.

§ 2 As far as possible, the judicial Vicar or an associate judicial Vicar must preside over the collegiate tribunal.

ARTICLE 2: AUDITORS AND RELATORS

Can. 751 § 1 The judge or, in the case of a collegiate tribunal, the presiding judge, can designate an auditor to instruct the case. The auditor may be chosen from the tribunal judges, or from persons approved by the Bishop for this office.

§ 2 The Bishop can approve clerics or lay persons for the role of auditor. They are to be persons conspicuous for their good conduct, prudence and learning.

§3 The task of the auditor is solely to gather the evidence in accordance with the judge's commission and, when gathered, to submit it to the judge. Unless the judge determines otherwise, however, an auditor can in the meantime decide what evidence is to be collected and the manner of its collection, should any question arise about these matters while the auditor is carrying out his role.

Can. 752 The presiding judge of a collegiate tribunal is to designate one of the judges of the college to write the opinion.

ARTICLE 3: THE PROMOTOR OF JUSTICE, THE DEFENDER OF THE BOND AND THE NOTARY

Can. 753 A promotor of justice is to be appointed in the diocese for penal cases, and for contentious cases in which the public good may be at stake. The promotor is bound by office to

safeguard the public good.

Can. 754 § 1 In contentious cases it is for the diocesan Bishop to decide whether the public good is at stake or not, unless the law prescribes the intervention of the promotor of justice, or this is clearly necessary from the nature of things.

§ 2 If the promotor of justice has intervened at an earlier instance of a trial, this intervention is presumed to be necessary at a subsequent instance.

Can. 755 A defender of the bond is to be appointed in the diocese for cases which deal with the nullity of ordination. The defender of the bond is bound by office to present and expound all that can reasonably be argued against the nullity.

Can. 756 In cases in which the presence of the promotor of justice or of the defender of the bond is required, the acts are invalid if they were not summoned. This does not apply if, although not summoned, they were in fact present or, having studied the acts, able to fulfill their role at least before the judgment.

Can. 757 Unless otherwise expressly provided:

1^o whenever the law directs that the judge is to hear the parties or either of them, the promotor of justice and the defender of the bond are also to be heard if they are present;

2^o whenever, at the submission of a party, the judge is required to decide some matter, the submission of the promotor of justice or of the defender of the bond engaged in the trial has equal weight.

Can. 758 It is the Bishop's responsibility to appoint the promotor of justice and defender of the bond. They are to be clerics or lay persons of good repute, with an understanding of canon law, and of proven prudence and zeal for justice.

Can. 759 § 1 The same person can hold the office of promotor of justice and defender of the bond, although not in the same case.

§ 2 The promotor of justice and the defender of the bond can be appointed for all cases, or for individual cases. They can be removed by the Bishop for a just reason.

Can. 760 § 1 A notary is to be present at every hearing, so much so that the acts are null unless signed by the notary.

§ 2 Acts drawn up by notaries constitute public proof.

CHAPTER II: THE TRIBUNAL OF SECOND INSTANCE

Can. 761 These are:

1^o an appeal from the tribunal of a suffragan Bishop is to the metropolitan tribunal;

2^o in cases heard at first instance in the tribunal of the Metropolitan, the appeal is to a tribunal

which the Metropolitan, with the approval of the Synod of Bishops, has designated in a stable fashion;

CHAPTER III: THE TRIBUNAL OF THE SYNOD OF BISHOPS

Can. 762 The Synod of Bishops is the tribunal of final appeal. It gives judgment either personally, or through judges whom it delegates.

TITLE III: THE DISCIPLINE TO BE OBSERVED IN TRIBUNALS

CHAPTER I: THE DUTIES OF THE JUDGES AND OF THE OFFICERS OF THE TRIBUNAL

Can. 763 § 1 All Christ's faithful, and especially Bishops, are to strive earnestly, with due regard for justice, to ensure that disputes among the people of God are as far as possible avoided, and are settled promptly and without rancor.

§ 2 In the early stages of litigation, and indeed at any other time as often as he discerns any hope of a successful outcome, the judge is not to fail to exhort and assist the parties to seek an equitable solution to their controversy in discussions with one another. He is to indicate to them suitable means to this end and avail himself of serious-minded persons to mediate.

§ 3 If the issue is about the private good of the parties, the judge is to discern whether an agreement or a judgment by an arbitrator, in accordance with the norms of can. 940-943, might usefully serve to resolve the controversy.

Can. 764 Any person involved in a case as judge, promotor of justice, defender of the bond, procurator, advocate, witness or expert cannot subsequently, in another instance, validly determine the same case as a judge or exercise the role of assessor in it.

Can. 765 § 1 The judge is not to undertake the hearing of a case in which any personal interest may be involved by reason of consanguinity or affinity in any degree of the direct line and up to the fourth degree of the collateral line, or by reason of guardianship or tutelage, or of close acquaintanceship or marked hostility or possible financial profit or loss.

§ 2 The promotor of justice, the defender of the bond, the assessor and the auditor must likewise refrain from exercising their offices in these circumstances.

Can. 766 § 1 In the cases mentioned in can. 736, if the judge himself does not refrain from exercising his office, a party may object to him.

§ 2 The judicial Vicar is to deal with this objection. If the objection is directed against the judicial Vicar himself, the Bishop in charge of the tribunal is to deal with the matter.

§ 3 If the Bishop is the judge and the objection is directed against him, he is to refrain from judging.

§ 4 If the objection is directed against the promotor of justice, the defender of the bond or any other officer of the tribunal, it is to be dealt with by the presiding judge of a collegial tribunal

or by the sole judge if there is only one.

Can. 767 If the objection is upheld, the persons in question are to be changed, but not the grade of trial.

Can. 768 § 1 The objection is to be decided with maximum expedition, after hearing the parties, the promotor of justice or the defender of the bond, if they are engaged in the trial and the objection is not directed against them.

§ 2 Acts performed by a judge before being objected to are valid. Acts performed after the objection has been lodged must be rescinded if a party requests this within ten days of the admission of the objection.

Can. 769 § 1 In a matter which concerns private persons exclusively, a judge can proceed only at the request of a party. In penal cases, however, and in other cases which affect the public good of the Church or the salvation of souls, once the case has been lawfully introduced, the judge can and must proceed *ex officio*.

§ 2 The judge can also supply for the negligence of the parties in bringing forward evidence or in opposing exceptions, whenever this is considered necessary in order to avoid a gravely unjust judgment.

Can. 770 Judges and tribunals are to ensure that, within the bounds of justice, all cases are brought to a conclusion as quickly as possible. They are to see to it that in the tribunal of first instance cases are not protracted beyond a year, and in the tribunal of second instance not beyond six months.

Can. 771 All who constitute a tribunal or assist in it must take an oath to exercise their office properly and faithfully.

Can. 772 § 1 In a penal trial, the judges and tribunal assistants are bound to observe always the secret of the office; in a contentious trial, they are bound to observe it if the revelation of any part of the acts of the process could be prejudicial to the parties.

§ 2 They are also obliged to maintain permanent secrecy concerning the discussion held by the judges before giving their judgment, and concerning the various votes and opinions expressed there.

§ 3 Indeed, the judge can oblige witnesses, experts, and the parties and their advocates or procurators, to swear an oath to observe secrecy. This may be done if the nature of the case or of the evidence is such that revelation of the acts or evidence would put at risk the reputation of others, or give rise to quarrels, or cause scandal or have any similar untoward consequence.

Can. 773 The judge and all who work in the tribunal are forbidden to accept any gifts on the occasion of a trial.

Can. 774 § 1 Judges can be punished by the competent authority with appropriate penalties, not excluding the loss of office, if, though certainly and manifestly competent, they refuse to give judgment; if, with no legal support, they declare themselves competent and hear and

determine cases; if they breach the law of secrecy; or if, through deceit or serious negligence, they cause harm to the litigants.

§ 2 Tribunal officers and assistants are subject to the same penalties if they fail in their duty as above. The judge also has the power to punish them.

CHAPTER II: THE ORDERING OF THE HEARING

Can. 775 Cases are to be heard in the order in which they were received and entered in the register, unless some case from among them needs to be dealt with more quickly than others. This is to be stated in a special decree which gives supporting reasons.

Can. 776 § 1 Defects which can render the judgment invalid can be proposed as exceptions at any stage or grade of trial; likewise, the judge can declare such exceptions ex officio.

§ 2 Apart from the cases mentioned in § 1, exceptions seeking a delay especially those which concern persons and the manner of trial, are to be proposed before the joinder of the issue, unless they emerge only after it. They are to be decided as soon as possible.

Can. 777 § 1 If an exception is proposed against the competence of the judge, the judge himself must deal with the matter.

§ 2 Where the exception concerns relative non-competence and the judge pronounces himself competent, his decision does not admit of appeal. However, a plaint of nullity and a total reinstatement are not prohibited.

§ 3 If the judge declares himself non-competent, a party who complains of being adversely affected can refer the matter within fifteen canonical days to the appeal tribunal.

Can. 778 A judge who becomes aware at any stage of the case that he is absolutely non-competent is bound to declare his non-competence.

Can. 779 § 1 Exceptions to the effect that an issue has become an adjudged matter or has been agreed between the parties, and those other peremptory exceptions which are said to put an end to the suit, are to be proposed and examined before the joinder of the issue. Whoever raises them subsequently is not to be rejected, but will be ordered to pay the costs unless it can be shown that the objection was not maliciously delayed.

§ 2 Other peremptory exceptions are to be proposed in the joinder of the issue and treated at the appropriate time under the rules governing incidental questions.

Can. 780 § 1 Counter actions can validly be proposed only within thirty days of the joinder of the issue.

§ 2 Such counter actions are to be dealt with at the same grade of trial and simultaneously with the principal-action, unless it is necessary to deal with them separately or the judge considers this procedure more opportune.

Can. 781 Questions concerning the guarantee of judicial expenses or the grant of free legal aid

which has been requested from the very beginning of the process, and other similar matters, are normally to be settled before the joinder of the issue.

CHAPTER III: TIME LIMITS AND POSTPONEMENTS

Can. 782 § 1 The so-called canonical time limits are fixed times beyond which rights cease in law. They cannot be extended, nor can they validly be shortened except at the request of the parties.

§ 2 After hearing the parties, or at their request, the judge can, for a just reason, extend before they expire times fixed by himself or agreed by the parties. These times can never validly be shortened without the consent of the parties.

§ 3 The judge is to ensure that litigation is not unduly prolonged by reason of postponement.

Can. 783 Where the law does not establish fixed times for concluding procedural actions, the judge is to define them, taking into consideration the nature of each act.

Can. 784 If the day appointed for a judicial action is a holiday, the fixed term is considered to be postponed to the first subsequent day which is not a holiday.

CHAPTER IV: THE PLACE OF TRIAL

Can. 785 As far as possible, the place where each tribunal sits is to be an established office which is open at stated times.

CHAPTER V: THOSE WHO MAYBE ADMITTED TO THE COURT AND THE MANNER OF COMPILING AND PRESERVING THE ACTS

Can. 786 § 1 When cases are being heard before the tribunal, only those persons are to be present whom the law or the judge decides are necessary for the hearing of the case.

§ 2 The judge can with appropriate penalties take to task all who, while present at a trial, are gravely lacking in the reverence and obedience due to the tribunal. He can, moreover, suspend advocates and procurators from exercising their office in Church tribunals.

Can. 787 If a person to be interrogated uses a language unknown to the judge or the parties, an interpreter, appointed by the judge and duly sworn, can be employed in the case. Declarations are to be committed to writing in the original language, and a translation is to be added. An interpreter is also to be used if a deaf and dumb person must be interrogated, unless the judge prefers that replies to the questions he has asked be given in writing.

Can. 788 § 1 Judicial acts must be in writing, both those which refer to the merits of the case, that is, the acts of the case, and those which refer to the procedure, that is, the procedural acts.

§ 2 Each page of the acts is to be numbered and bear a seal of authenticity.

Can. 789 Whenever the signature of parties or witnesses is required in judicial acts and the

party or witness is unable or unwilling to sign, this is to be noted in the acts. At the same time the judge and the notary are to certify that the act was read verbatim to the party or witness, and that the party or witness was either unable or unwilling to sign.

Can. 790 § 1 In the case of an appeal, a copy of the acts is to be sent to the higher tribunal, with a certification by the notary of its authenticity.

§ 2 If the acts are in a language unknown to the higher tribunal, they are to be translated into another language known to it. Suitable precautions are to be taken to ensure that the translation is accurate.

Can. 791 § 1 When the trial has been completed, documents which belong to private individuals must be returned to them, though a copy of them is to be retained.

§ 2 Without an order from the judge, notaries and the chancellor are forbidden to hand over to anyone a copy of the judicial acts and documents obtained in the process.

TITLE IV: THE PARTIES IN THE CASE

CHAPTER I: THE PLAINTIFF AND THE RESPONDENT

Can. 792 Any person can plead before a court. A person lawfully brought to trial must respond.

Can. 793 Even though the plaintiff or the respondent has appointed a procurator or advocate, each is always bound to be present in person at the trial when the law or the judge so prescribes.

Can. 794 § 1 Minors and those who lack the use of reason can stand before the court only through their parents, guardians or curators, subject to the provisions of §3.

§2 If the judge considers that the rights of minors are in conflict with the rights of the parents, guardians or curators, or that these cannot sufficiently protect the rights of the minors, the minors are to stand before the court through a guardian or curator assigned by the judge.

§ 3 However, in cases concerning spiritual matters and matters linked with the spiritual, if the minors have the use of reason, they can plead and respond without the consent of parents or guardians; indeed, if they have completed their fourteenth year, they can stand before the court on their own behalf; otherwise, they do so through a curator appointed by the judge.

§ 4 Those barred from the administration of their goods and those of infirm mind can themselves stand before the court only to respond concerning their own offences, or by order of the judge. In other matters they must plead and respond through their curators.

Can. 795 A guardian or curator appointed by a civil authority can be admitted by a Church judge, after he has consulted, if possible, the diocesan Bishop of the person to whom the guardian or curator has been given. If there is no such guardian or curator, or it is not seen fit to admit the one appointed, the judge is to appoint a guardian or curator for the case.

Can. 796 § 1 Judicial persons stand before the court through their lawful representatives.

§ 2 In a case of absence or negligence of the representative, the Ordinary himself, either personally or through another, can stand before the court in the name of juridical persons subject to his authority.

CHAPTER II: PROCURATORS AND ADVOCATES

Can. 797 § 1 A party can freely appoint an advocate and procurator for him or herself. Apart from the cases stated in §§2 and 3, however, a party can plead and respond personally, unless the judge considers the services of a procurator or advocate to be necessary.

§ 2 In a penal trial the accused must always have an advocate, either appointed personally or allocated by the judge.

§ 3 In a contentious trial which concerns minors or the public good, the judge is ex officio to appoint a legal representative for a party who lacks one; matrimonial cases are excepted.

Can. 798 § 1 A person can appoint only one procurator; the latter cannot appoint a substitute, unless this faculty has been expressly conceded.

§ 2 If, however, several procurators have for a just reason been appointed by the same person, these are to be so designated that there is the right of prior claim among them.

§ 3 Several advocates can, however, be appointed together.

Can. 799 The procurator and advocate must have attained their majority and be of good repute.

Can. 800 § 1 Prior to undertaking their office, the procurator and the advocate must deposit an authentic mandate with the tribunal.

§ 2 To prevent the extinction of a right, however, the judge can admit a procurator even though a mandate has not been presented; in an appropriate case, a suitable guarantee is to be given. However, the act lacks all force if the procurator does not present a mandate within the peremptory time-limit to be prescribed by the judge.

Can. 801 Without a special mandate, a procurator cannot validly renounce a case, an instance or any judicial act; nor can a procurator settle an action, bargain, promise to abide by an arbitrator's award, or in general do anything for which the law requires a special mandate.

Can. 802 § 1 For the dismissal of a procurator or advocate to have effect, it must be notified to them and, if the joinder of the issue has taken place, the judge and the other party must be notified of the dismissal.

§ 2 When a definitive judgment has been given, the right and duty to appeal lie with the procurator, unless the mandating party refuses.

Can. 803 For a grave reason, the procurator and the advocate can be removed from office by a

decree of the judge given either ex officio or at the request of the party.

Can. 804 § 1 Both the procurator and the advocate are forbidden to influence a suit by bribery, seek immoderate payment, or bargain with the successful party for a share of the matter in dispute. If they do so, any such agreement is invalid and they can be fined by the judge. Moreover, the advocate can be suspended from office and, if this is not a first offence, can be removed from the register of advocates by the Bishop in charge of the tribunal.

§ 2 The same sanctions can be imposed on advocates and procurators who fraudulently exploit the law by withdrawing cases from tribunals which are competent, so that they may be judged more favorably by other tribunals.

Can. 805 Advocates and procurators who betray their office because of gifts or promises, or any other consideration, are to be suspended from the exercise of their profession, and be fined or punished with other suitable penalties.

Can. 806 As far as possible, permanent advocates and procurators are to be appointed in each tribunal and to receive a salary from the tribunal. They are to exercise their office, especially in matrimonial cases, for parties who may wish to choose them.

TITLE V: ACTIONS AND EXCEPTIONS

CHAPTER I: ACTIONS AND EXCEPTIONS IN GENERAL

Can. 807 Every right is reinforced not only by an action, unless otherwise expressly provided, but also by an exception.

Can. 808 Every action is extinguished by prescription in accordance with the law, or in any other lawful way, with the exception of actions bearing on personal status, which are never extinguished.

Can. 809 A plaintiff can bring several exceptions simultaneously against another person, concerning either the same matter or different matters, provided they are not in conflict with one another, and do not go beyond the competence of the tribunal that has been approached.

Can. 809 § 1 A respondent can institute a counter action against a plaintiff before the same judge and in the same trial, either by reason of the case's connection with the principal action, or with a view to removing or mitigating the plaintiff's plea.

§ 2 A counter action to a counter action is not admitted.

Can. 810 The counter action is to be proposed to the judge before whom the original action was initiated, even though he has been delegated for one case only, or is otherwise relatively non-competent.

CHAPTER II: ACTIONS AND EXCEPTIONS IN PARTICULAR

Can. 811 § 1 A person who advances arguments, which are at least probable, to support a right to something held by another, and to indicate an imminent danger of loss of the object unless it

is handed over for safekeeping, has a right to obtain from the judge the sequestration of the object in question.

§ 2 In similar circumstances, a person can obtain a restraint on another person's exercise of a right.

Can. 812 § 1 The sequestration of an object is also allowed for the security of a loan, provided there is sufficient evidence of the creditor's right.

§ 2 Sequestration can also extend to the assets of a debtor which, on whatever title, are in the" keeping of others, as well as to the loans of the debtor.

Can. 813 The sequestration of an object, and restraint on the exercise of a right, can in no way be decreed if the loss which is feared can be otherwise repaired, and a suitable guarantee is given that it will be repaired.

Can. 814 The judge who grants the sequestration of an object, or the restraint on the exercise of a right, can first impose on the person to whom the grant is made an undertaking to repay any loss if the right is not proven.

Can. 815 In matters concerning the nature and effect of an action for possession, the provisions of the civil law of the place where the thing to be possessed is situated, are to be observed.

PART II: THE CONTENTIOUS TRIAL

SECTION I: THE ORDINARY CONTENTIOUS TRIAL

TITLE I: THE INTRODUCTION OF THE CASE

CHAPTER I: THE PETITION INTRODUCING THE SUIT

Can. 816 A judge cannot investigate any case unless a plea, drawn up in accordance with canon law, is submitted either by a person whose interest is involved, or by the promotor of justice.

Can. 817 A person who wishes to sue another must present a petition to a judge who is lawfully competent. In this petition the matter in dispute is to be set out and the intervention of the judge requested.

Can. 818 § 1. A judge can admit an oral plea whenever the plaintiff is impeded from presenting a petition or when the case can be easily investigated and is of minor significance.

§ 2 In both cases, however, the judge is to direct a notary to record the matter in writing. This written record is to be read to, and approved by, the plaintiff, and it takes the place of a petition written by the plaintiff as far as all effects of law are concerned.

Can. 819 The petition by which a suit is introduced must:

1^o state the judge before whom the case is being introduced, what is being sought and from whom it is being sought;

2^o indicate on what right the plaintiff bases the case and, at least in general terms, the facts and evidence to be submitted in support of the allegations made;

3^o be signed by the plaintiff or the plaintiff's procurator, and bear the day, the month and the year, as well as the address at which the plaintiff or the procurator resides, or at which they say they reside for the purpose of receiving the acts;

Can.820 § 1 Once he has satisfied himself that the matter is within his competence and the plaintiff has the right to stand before the court, the sole judge, or the presiding judge of a collegiate tribunal, must as soon as possible by his decree either admit or reject the petition.

§ 2 A petition can be rejected only if:

1^o the judge or the tribunal is not legally competent;

2^o it is established beyond doubt that the plaintiff lacks the right to stand before the court;

3^o it is certainly clear from the petition that the plea lacks any foundation, and that there is no possibility that a foundation will emerge from a process.

§3 If a petition has been rejected by reason of defects which can be corrected, the plaintiff can draw up a new petition correctly and present it again to the same judge.

§4 A party is always entitled, within ten canonical days, to have recourse, based upon stated reasons, against the rejection of a petition. This recourse is to be made either to the tribunal of appeal or, if the petition was rejected by the presiding judge, to the collegiate tribunal. A question of rejection is to be determined with maximum expedition.

Can. 821 If within a month of the presentation of a petition, the judge has not issued a decree admitting or rejecting, the interested party can insist that the judge perform his duty. If, notwithstanding this, the judge does not respond within ten days of the party's request, the petition is to be taken as having been admitted.

CHAPTER II: THE SUMMONS AND THE INTIMATION OF JUDICIAL ACTS

Can. 822 § 1 In the decree by which a plaintiff's petition is admitted, the judge or the presiding judge must call or summon the other parties to court to effect the joinder of the issue; he must prescribe whether, in order to agree the point at issue, they are to reply in writing or to appear before him. If, from their written replies, he perceives the need to convene the parties, he can determine this by a new decree.

§ 2 If a petition is deemed admitted in accordance with the provisions of the decree of summons to the trial must be issued within twenty days of the request of which that canon speaks.

§ 3 If the litigants in fact present themselves before the judge to pursue the case, there is no

need for a summons; the notary, however, is to record in the acts that the parties were present at the trial.

Can. 823 § 1 The decree of summons to the trial must be notified at once to the respondent, and at the same time to any others who are obliged to appear.

§ 2 The petition introducing the suit is to be attached to the summons, unless for grave reasons the judge considers that the petition is not to be communicated to the other party before he or she gives evidence.

§ 3 If a suit is brought against a person who does not have the free exercise of personal rights, or the free administration of the matters in dispute, the summons is to be notified to, as the case may be, the guardian, the curator, the special procurator, or the one who according to law is obliged to undertake legal proceedings in the name of such a person.

Can. 824 § 1 With due regard to the norms laid down by particular law, the notification of summonses, decrees, judgments and other judicial acts is to be done by means of the public postal service, or by some other particularly secure means.

§2 The fact and the manner of notification must be shown in the acts.

Can. 825 A respondent who refuses to accept a document of summons, or who circumvents the delivery of a summons, is to be regarded as lawfully summoned.

Can. 826 Once a summons has been lawfully communicated, or the parties have presented themselves before a judge to pursue the case:

1° the matter ceases to be a neutral one;

2° the case becomes that of the judge or of the tribunal, in other respects lawfully competent, before whom the action was brought;

3° the jurisdiction of a delegated judge is established in such a way that it does not lapse on the expiry of the authority of the person who delegated;

4° prescription is interrupted, unless otherwise provided;

5° the suit begins to be a pending one, and therefore the principle immediately applies while a suit is pending, no new element is to be introduced.

TITLE II: THE JOINDER OF THE ISSUE

Can. 827 § I The joinder of the issue occurs when the terms of the controversy, as derived from the pleas and the replies of the parties, are determined by a decree of the judge.

§ 2 The pleas and the replies of the parties may be expressed not only in the petition introducing the suit, but also either in the response to the summons, or in statements made orally before the judge. In more difficult cases, however, the parties are to be convened by the judge, so as to agree the question or questions to which the judgment must respond.

§ 3 The decree of the judge is to be notified to the parties. Unless they have already agreed on the terms, they may within ten days have recourse to the same judge to request that the decree be altered. This question, however, is to be decided with maximum expedition by a decree of the judge.

Can. 828 Once determined, the terms of the controversy cannot validly be altered except by a new decree, issued for a grave reason, at the request of the party, and after the other parties have been consulted and their observations considered.

Can. 829 Once the joinder of the issue has occurred, the possessor of another's property ceases to be in good faith. If, therefore, the judgment is that he or she return the property, the possessor must return also any profits accruing from the date of the joinder, and must compensate for damages.

Can. 830 Once the joinder of the issue has occurred, the judge is to prescribe an appropriate time within which the parties are to present and to complete the evidence.

TITLE III: THE TRIAL OF THE ISSUE

Can. 831 The trial of the issue is initiated by the summons. It is concluded not only by the pronouncement of the definitive judgment, but also by other means determined by law.

Can. 832 If a litigant dies, or undergoes a change in status, or ceases from the office in virtue of which he or she was acting:

1° if the case has not yet been concluded, the trial is suspended until the heir of the deceased, or the successor, or a person whose interest is involved, resumes the suit

2° if the case has been concluded, the judge must proceed to the remaining steps of the case, having first summoned the procurator, if there is one, or else the heir or the successor of the deceased.

Can. 833 If over a period of six months, no procedural act is performed by the parties, and they have not been impeded from doing so, the trial is abated. Particular law may prescribe other time limits for abatement.

Can. 834 Abatement takes effect by virtue of the law itself, and it is effective against everyone, even minors and or those equivalent to minors; moreover, it must be declared even *ex officio*. This, however, is without prejudice to the right to claim compensation against those guardians, curators, administrators and procurators who have not proved that they were without fault.

Can. 835 Abatement extinguishes the acts of the process, but not the acts of the case. The acts of the case may indeed be employed in another instance, provided the case is between the same persons and about the same matter. As far as those outside the case are concerned, however these acts have no standing other than as documents.

Can. 836 When a trial has been abated, the litigants are to bear the expenses which each has

incurred.

Can. 837 § 1 The plaintiff may renounce a trial at any stage or at any grade. Likewise, both the plaintiff and the respondent may renounce the acts of the process either in whole or only in part.

§ 2 To renounce the trial of an issue, guardians and administrators of juridical persons must have the advice or the consent of those whose agreement is required to conduct negotiations which exceed the limits of ordinary administration.

§ 3 To be valid, a renunciation must be in writing and must be signed either by the party, or by a procurator who has been given a special mandate for this purpose; it must be communicated to the other party, who must accept or at least not oppose it; and it must be admitted by the judge.

Can. 838 Once a renunciation has been admitted by the judge, it has the same effects for the acts which have been renounced as has an abatement of the trial. Likewise, it obliges the person renouncing to pay the expenses of those acts which have been renounced.

TITLE IV: PROOFS

Can. 839 § 1 The onus of proof rests upon the person who makes an allegation.

§ 2 The following matters do not require proof:

1^o matters which are presumed by the law itself;

2^o facts alleged by one of the litigants and admitted by the other, unless their proof is nevertheless required either by law or by the judge.

Can. 840 § 1 Any type of proof which seems useful for the investigation of the case and is lawful, may be admitted.

§ 2 If a party submits that proof, which has been rejected by the judge, should be admitted, the judge is to determine the matter with maximum expedition.

Can. 841 If a party or a witness refuses to testify before the judge, that person may lawfully be heard by another, even a lay person, appointed by the judge, or asked to make a declaration either before a public notary or in any other lawful manner.

Can. 842 Unless there is a grave reason, the judge is not to proceed to collect the proofs before the joinder of the issue.

CHAPTER I: THE DECLARATIONS OF THE PARTIES

Can. 843 The judge may always question the parties the more closely to elicit the truth. He must do so if requested by one of the parties, or in order to prove a fact which the public interest requires to be placed beyond doubt.

Can. 844 § 1 A party who is lawfully questioned is obliged to respond and to tell the whole truth.

§ 2 If a party has refused to reply, it is for the judge to evaluate what, as far as the proof of the facts is concerned, can be deduced there from.

Can. 845 Unless a grave reason suggests otherwise, in cases in which the public good is at stake the judge is to administer to the parties an oath that they will tell the truth, or at least that what they have said is the truth. In other cases, it is left to the prudent discretion of the judge to determine whether an oath is to be administered.

Can. 846 The parties, the promotor of justice and the defender of the bond may submit to the judge propositions upon which a party is to be questioned.

Can. 847 A judicial confession is an assertion of fact against oneself, concerning a matter relevant to the trial, which is made by a party before a judge who is legally competent; this is so whether the assertion is made in writing or orally, whether spontaneously or in response to the judge's questioning.

Can. 848 § 1 In a private matter and where the public good is not at stake, a judicial confession of one party relieves the other parties of the onus of proof.

§ 2 In cases which concern the public good, however, a judicial confession, and declarations by the parties which are not confessions, can have a probative value that is to be weighed by the judge in association with the other circumstances of the case, but the force of full proof cannot be attributed to them unless there are other elements which wholly corroborate them.

Can. 849 It is for the judge, having considered all the circumstances, to evaluate the weight to be given to an extra-judicial confession which is introduced into the trial.

Can. 850 A confession, or any other declaration of a party, is devoid of all force if clearly shown to be based on an error of fact or to have been extracted by force or grave fear.

CHAPTER II: DOCUMENTARY PROOF

Can. 851 In every type of trial documentary proof is admitted, whether the documents be public or private.

ARTICLE 1: THE NATURE AND RELIABILITY OF DOCUMENTS

Can. 852 § 1 Public Church documents are those which an official person draws up in the exercise of his or her function in the Church and in which the formalities required by law have been observed.

§ 2 Public civil documents are those which are legally regarded as such in accordance with the laws of each place.

§ 3 All other documents are private.

Can. 853 Unless it is otherwise established by contrary and clear arguments, public documents constitute acceptable evidence of those matters which are directly and principally affirmed in them.

Can. 854 A private document, whether acknowledged by a party or admitted by a judge, has the same probative force as an extra-judicial confession, against its author or the person who has signed it and against persons whose case rests on that of the author or signatory.

Can. 855 If documents are shown to have been erased, amended, falsified or otherwise tampered with; it is for the judge to evaluate to what extent, if any, they are to be given credence.

ARTICLE 2: THE PRODUCTION OF DOCUMENTS

Can. 856 Documents do not have probative force at a trial unless they are submitted in original form or in authentic copy and are lodged in the office of the tribunal, so that they may be inspected by the judge and by the opposing party.

Can. 857 The judge can direct that a document common to each of the parties is to be submitted in the process.

Can. 858 § 1 No one is obliged to exhibit documents, even if they are common, which cannot be communicated without danger of the harm mentioned in can. 861 §2, n. 2, or without the danger of violating a secret which is to be observed.

§ 2 If, however, at least an extract from a document can be transcribed and submitted in copy without the disadvantages mentioned, the judge can direct that it be produced in that form.

CHAPTER III: WITNESSES AND TESTIMONY

Can. 859 Proof by means of witnesses is admitted in all cases, under the direction of the judge.

Can. 860 § I Witnesses must tell the truth to a judge who lawfully questions them.

§ 2 Without prejudice to the provisions of can. 864 §2, n. 2 the following are exempted from the obligation of replying to questions:

1^o clerics, in those matters revealed to them by reason of their sacred ministry; civil officials, doctors, midwives, advocates, notaries and others who are bound by the secret of their office, even on the ground of having offered advice, in respect of matters subject to this secret;

2^o those who fear that, as a result of giving evidence, a loss of reputation, dangerous harassment or some other grave evil will arise for themselves, their spouses, or those related to them by consanguinity or affinity.

ARTICLE 1: THOSE WHO CAN BE WITNESSES

Can. 861 Everyone can be a witness, unless expressly excluded, whether wholly or in part, by the law.

Can. 862 § 1 Minors under the age of fourteen years and those who are of feeble mind are not admitted to give evidence. They can, however, be heard if the judge declares by a decree that it would be appropriate to do so.

§ 2 The following are deemed incapable of being witnesses:

1^o the parties in the case or those who appear at the trial in the name of the parties; the judge and his assistant; the advocate and those others who in the same case assist or have assisted the parties;

2^o priests, in respect of everything which has become known to them in sacramental confession, even if the penitent has asked that these things be made known. Moreover, anything that may in any way have been heard by anyone on the occasion of confession cannot be accepted even as an indication of the truth.

ARTICLE 2: THE INTRODUCTION AND THE EXCLUSION OF WITNESSES

Can. 863 A party who has introduced a witness may forego the examination of that witness, but the opposing party may ask that the witness nevertheless be examined.

Can. 864 § 1 When proof by means of witnesses is sought, the names and addresses of the witnesses are to be communicated to the tribunal.

§ 2 The propositions on which the interrogation of the witnesses is requested, are to be submitted within the time limit determined by the judge; otherwise, the request is to be deemed abandoned.

Can. 865 It is for the judge to curb an excessive number of witnesses.

Can. 866 Before witnesses are examined; their names are to be communicated to the parties. If, in the prudent opinion of the judge, this cannot be done without great difficulty, it is to be done at least before the publication of the evidence.

Can. 867 Without prejudice to the provisions of can. 862, a party may request that a witness be excluded, provided a just reason for exclusion is established before the witness is examined.

Can. 868 The summons of a witness is effected by a decree of the judge lawfully notified to the witness.

Can. 869 A properly summoned witness is to appear, or to make known to the judge the reason for being absent.

ARTICLE 3: THE EXAMINATION OF WITNESSES

Can. 870 Witnesses are to be examined at the office of the tribunal unless the judge deems otherwise.

Can. 871 The parties cannot be present at the examination of the witnesses unless, especially

when there is question of a private interest, the judge has determined that they are to be admitted. Their advocates or procurators, however, may attend, unless by reason of the circumstances of matter and persons, the judge has determined that the proceedings are to be in secret.

Can. 872 § 1 The witnesses are to be examined individually and separately.

§ 2 If in a grave matter the witnesses disagree either among themselves or with one of the parties, the judge may arrange for those who differ to meet or to confront one another, but must, in so far as/possible, eliminate discord and scandal.

Can. 873 The examination of a witness is conducted by the judge, or by his delegate or an auditor, who is to be attended by a notary. Accordingly if the parties or the promotor of justice or the defender of the bond or the advocates who are present at the hearing have additional questions to put to the witness, they are to propose these not to the witness, but to the judge, or to the one who is taking the judge's place, so that he or she may put them.

Can. 874 § 1 The judge is to remind the witness of the grave obligation to tell the whole truth and nothing but the truth.

§ 2 The judge is to administer an oath to the witness. If, however, a witness refuses to take an oath, he or she is to be heard unsworn.

Can. 875 The judge is first of all to establish the identity of the witness. The relationship which the witness has with the parties is to be probed, and when specific questions concerning the case are asked of the witness inquiry is to be made into the sources of his or her knowledge and the precise time the witness came to know the matters which are asserted.

Can. 876 The questions are to be brief, and appropriate to the understanding of the person being examined. They are not to encompass a number of matters at the same time, nor be captious or deceptive. They are not to be leading questions, nor give any form of offence. They are to be relevant to the case in question.

Can. 877 § 1 The questions are not to be made known in advance to the witnesses.

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§ 2 If, however, the matters about which evidence is to be given are so remote in memory that they cannot be affirmed with certainty unless they are recalled beforehand, the judge may, if he thinks this can safely be done, advise the witness in advance about certain aspects of the matter.

Can. 878 The witnesses are to give evidence orally. They are not to read from a script, except where there is a question of calculations or accounts; in this case, they may consult notes which they have brought with them.

Can. 879 § 1 The replies are to be written down at once by the notary. The record must show the very words of the evidence given, at least in what concerns those things which bear directly on the matter of the trial.

§ 2 The use of a tape-recorder is allowed provided the replies are subsequently committed to

writing.

Can. 880 The notary is to mention in the acts whether the oath was taken or excused or refused; who were present, parties and others; the questions added ex officio; and in general, everything worthy of record which may have occurred while the witnesses were being examined.

Can. 881 § 1 At the conclusion of the examination, the record of the evidence, either as written down by the notary or as played back from the tape recording must be communicated to the witness, who is to be given the opportunity of adding to, omitting from, correcting or varying it.

§ 2 Finally, the witness, the judge and the notary must sign the record.

Can. 882 Before the acts or the testimony are published, witnesses, even though already examined, may be called for re-examination, either at the request of a party or ex officio. This may be done if the judge considers it either necessary or useful, provided there is no danger whatever of collusion or of inducement.

ARTICLE 4: THE CREDIBILITY OF EVIDENCE

Can. 883 In weighing evidence the judge may, if it is necessary, seek testimonial letters, and is to take into account:

1^o the condition and uprightness of the witness

2^o whether the knowledge was acquired at first hand, particularly if it was something seen or heard personally, or whether it was opinion, rumor or hearsay;

3^o whether the witness is constant and consistent, or vanes, is uncertain or vacillating;

4^o whether there is corroboration of the testimony and whether it is corroborated or not by other items of evidence.

Can. 884 The deposition of one witness cannot amount to full proof, unless the witness is a qualified one who gives evidence on matters carried out in an official capacity, or unless the circumstances of persons and things persuade otherwise.

CHAPTER V: JUDICIAL ACCESS AND INSPECTION

Can. 885 If, in order to decide the case, the judge considers it opportune to visit some place, or inspect some thing, he is to set this out in a decree. After he has heard the parties, the decree is to give a brief description of what is to be made available for this access.

Can. 886 After the inspection has been carried out, a document concerning it is to be drawn up.

CHAPTER VI: PRESUMPTIONS

Can. 887 A presumption is a probable conjecture about something which is uncertain. Presumptions of law are those stated in the law; human presumptions are those made by a judge.

Can. 888 A person with a presumption of law in his or her favor is freed from the onus of proof, which then falls on the other party.

Can. 889 The judge is not to make presumptions which are not stated in the law, other than on the basis of a certain and determinate fact directly connected to the matter in dispute.

TITLE V: INCIDENTAL MATTERS

Can. 890 An incidental matter arises when, after the case has begun by the summons, a question is proposed which, even though not expressly raised in the petition which introduced the case, is yet so relevant to the case that it needs to be settled before the principal question.

Can. 891 An incidental matter is proposed before the judge who is competent to decide the principal case. It is raised in writing or orally, indicating the connection between it and the principal case.

Can. 892 § 1 When the judge has received the petition and heard the parties, he is to decide with maximum expedition whether the proposed incidental matter has a foundation in, and a connection with, the principal matter, or whether it is to be rejected from the outset. If he admits it he must decide whether it is of such gravity that it needs to be determined by an interlocutory judgment or by a decree.

§ 2 If, however, he concludes that the incidental matter is not to be decided before the definitive judgment, he is to determine that account be taken of it when the principal matter is decided.

Can. 893 § 1 If the incidental matter is to be decided by judgment, the norms for a contentious oral process are to be observed unless, because of the gravity of the issue, the judge deems otherwise.

§ 2 If it is to be decided by decree, the tribunal can entrust the matter to an auditor or to the presiding judge.

Can. 894 Before the principal matter is concluded, the judge or the tribunal may for a just reason revoke or alter an interlocutory judgment or decree. This can be done either at the request of a party or ex officio by the judge after he has heard the parties.

CHAPTER I: THE NON-APPEARANCE OF PARTIES

Can. 895 § 1 If a respondent is summoned but does not appear, and either does not offer an adequate excuse for absent the judge is to declare the person absent from the process, and decree that the case is to proceed to the definitive judgment and to its execution, with due observance of the proper norms.

§ 2 Before issuing the decree mentioned in § 1, the judge must make sure, if necessary by

means of another summons, that a lawful summons did reach the respondent within the canonical time.

CHAPTER II: THE INTERVENTION OF A THIRD PARTY IN A CASE

Can. 896 § 1 Any person with a legitimate interest can be allowed to intervene in a case in any instance of the suit, either as a party defending his or her own right or, in an accessory role, to help one of the litigants.

§ 2 To be admitted, however, the person must, before the conclusion of the case, produce to the judge a petition which briefly establishes the right to intervene.

§ 3 A person who intervenes in a case is to be admitted at that stage which the case has reached. If the case has reached the evidence stage, a brief and peremptory time limit is to be assigned within which to bring forward evidence.

Can. 897 A third party whose intervention is seen to be necessary must be called into the case by the judge, after he has consulted the parties.

TITLE VI: THE PUBLICATION OF THE ACTS, THE CONCLUSION OF THE CASE AND THE PLEADINGS

Can. 898 § 1 When the evidence has been assembled, the judge must, under pain of nullity, by a decree permit the parties and their advocates to inspect at the tribunal office those acts which are not yet known to them. Indeed, if the advocates so request, a copy of the acts can be given to them. In cases which concern the public good, however, the judge can decide that, in order to avoid very serious dangers, some part or parts of the acts are not to be shown to anyone; he must take care, however, that the right of defense always remains intact.

§ 2 To complete the evidence, the parties can propose other items of proof to the judge. When these have been assembled the judge can, if he deems it appropriate, again issue a decree as in § 1

Can. 899 § 1 When everything concerned with the production of evidence has been completed, the conclusion of the case is reached.

§ 2 This conclusion occurs when the parties declare that they have nothing further to add, or when the canonical time allotted by the judge for the production of evidence has elapsed, or when the judge declares that he considers the case to be sufficiently instructed.

§ 3 By whichever way the case has come to its conclusion, the judge is to issue a decree declaring that it is concluded.

Can. 900 Only in the following situations can the judge, after the conclusion of the case, still recall earlier witnesses or call new ones, or make provision for other evidence not previously requested:

1° in cases in which only the private good of the parties is involved if all the parties agree;

2° in other cases, provided that the parties have been consulted, that a grave reason exists, and that all danger of fraud or subornation is removed;

3° in all cases, whenever it is probable that, unless new evidence is admitted, the judgment will be unjust for any of the reasons mentioned in can. 939 §2, nn.1-3.

§ 2 The judge can, however, command or permit the presentation of a document which, even without fault of the interested party, could not be presented earlier.

Can. 901 When the case has been concluded, the judge is to determine a suitable period of time for the presentation of pleadings and observations.

Can. 902 § 1 Pleadings and observations are to be in writing unless the judge, with the consent of the parties, considers it sufficient to have a discussion before the tribunal in session.

§ 2 If the pleadings and the principal documents are to be printed, the prior permission of the judge is required, and the obligation of secrecy, where it exists, is still to be observed.

§ 3 The directions of the tribunal are to be observed in questions concerning the length of the pleadings, the number of copies and other similar matters.

Can. 903 § 1 When the pleadings and observations have been exchanged, each party can make reply within a brief period of time determined by the judge.

§ 2 This right is given to the parties once only, unless for a grave reason the judge considers that the right to a second reply is to be given; if this right is given to one party, it is to be considered as given to the other as well.

§ 3 The promotor of justice and the defender of the bond have the right to respond to every reply of the parties.

Can. 904 § 1 It is absolutely forbidden that any information given to the judge by the parties or the advocates, or by any other persons, be excluded from the acts of the case.

§ 2 If the pleadings in the case are made in writing, the judge may, in order to clarify any outstanding issues, order that a moderate oral discussion be held before the tribunal in session.

Can. 905 If the parties neglect to prepare their pleadings within the time allotted to them, or if they entrust themselves to the knowledge and conscience of the judge, and if at the same time the judge perceives the matter quite clearly from the acts and the proofs, he can pronounce judgment at once. He must, however, seek the observations of the promotor of justice and the defender of the bond if they were engaged in the trial.

TITLE VII: THE PRONOUNCEMENTS OF THE JUDGE

Can. 906 A principal case which has been dealt with in judicial fashion is decided by the judge by a definitive judgment.

Can. 907 § 1 To give any judgment, the judge must have in his mind moral certainty about the matter to be decided in the judgment.

§ 2 The judge must derive this certainty from the acts of the case and from the proofs.

§ 3 The judge must conscientiously weigh the evidence, with due regard for the provisions of law about the efficacy of certain evidence.

§ 4 A judge who cannot arrive at such certainty is to pronounce that the right of the plaintiff is not established and is to find for the respondent except in a case which enjoys the favor of law, when he is to pronounce in its favor.

Can. 908 § 1 The presiding judge of a collegiate tribunal decides the day and time when it is to meet for discussion. Unless a special reason requires otherwise, the meeting is to be at the tribunal office.

§ 2 On the day appointed for the meeting, the individual judges are to bring their written conclusions on the merits of the case, with the reasons in law and in fact for reaching their conclusions. These conclusions are to be added to the acts of the case and to be kept in secrecy.

§ 3 Having invoked the divine Name, they are to offer their conclusions in order, beginning always with the 'ponens' or 'relator' in the case, and then in order of precedence. Under the chairmanship of the presiding judge, they are to hold their discussion principally with a view to establishing what is to be stated in the dispositive part of the judgment.

§ 4 In the discussion, each one is permitted to depart from an original conclusion. A judge who does not wish to accede to the decision of the others can demand that, if there is an appeal, his or her conclusions be forwarded to the higher tribunal.

§ 5 If the judges do not wish, or are unable, to reach a decision in the first discussion, they can defer their decision to another meeting, but not beyond one week. If there is a sole judge, he will draw up the judgment.

§ 2 In a collegiate tribunal, the 'ponens' or 'relator' is to draw up the judgment, using as reasons those tendered by the individual judges in their discussion, unless the reasons to be preferred have been defined by a majority of the judges. The judgment must then be submitted to the individual judges for their approval.

§ 3 The judgment is to be issued not later than one month from the day on which the case was decided, unless in a collegiate tribunal the judges have for grave reasons stipulated a longer time.

Can. 909 The judgment must:

1° define the controversy raised before the tribunal, giving appropriate answers to the individual questions;

2° determine the obligations of the parties arising from the trial and the manner in which these are to be fulfilled;

3° set out the reasons or motives, both in law and in fact, upon which the dispositive part of the judgment is based;

4° apportion the expenses of the suit.

Can. 910 § 1 The judgment, after the invocation of the divine Name must state in order the judge or tribunal, and the plaintiff, respondent and procurator, with names and domiciles duly indicated. It is: also to name the promotor of justice and the defender of the bond if they were engaged in the trial.

§ 2 It must then briefly set out the alleged facts, with the conclusions of the parties and the formulation of the doubt.

§ 3 Then follows the dispositive part of the judgment, prefaced by the reasons which support it.

§ 4 It ends with the date and the place in which it was given, and with the signature of the judge or, in the case of a collegiate tribunal, of all the judges, and of the notary.

Can. 911 A judgment is to be published as soon as possible, with an indication of the ways in which it can be challenged. Before publication it has no effect, even if the dispositive part may, with the permission of the judge, have been notified to the parties.

Can. 912 The publication or notification of the judgment can be effected by giving a copy of the judgment to the parties or to their procurators.

Can. 913 § 1 A judgment must be corrected or completed by the tribunal which gave it if, in the text of a judgment, there is an error in calculations, or a material error in the transcription of either the dispositive part or the presentation of the facts or the pleadings of the parties are omitted. This is to be done either at the request of the parties or ex officio, but always after having consulted the parties and by a decree appended to the foot of the judgment.

§ 2 If one party is opposed, an incidental question is to be decided by a decree.

Can. 914 Other pronouncements of a judge apart from the judgment are decrees. If they are more than mere directions about procedure, they have no effect unless they give at least a summary of their reasons or refer to motives expressed in another act.

TITLE VIII: CHALLENGING THE JUDGEMENT

CHAPTER I: THE PLAINT OF NULLITY OF THE JUDGEMENT

Can. 915 Whenever a case concerns the good of private individuals, acts which are null with a nullity established by positive law are validated by the judgment itself, if the nullity was known to the party making the plaint and was not raised with the judge before the judgment.

Can. 916 A judgment is null with a nullity which cannot be remedied,

1° it was given by a judge who was absolutely non-competent;

2° it was given by a person who has no power to judge in the tribunal in which the case was decided;

3° the judge was compelled by force or grave fear to deliver judgment;

4° the trial took place without the judicial plea or was not brought against some party as respondent;

5° it was given between parties of whom at least one has no right to stand before the court;

6° someone acted in another's name without a lawful mandate;

7° the right of defense was denied to one or other party;

8° the controversy has not been even partially decided.

Can. 917 In respect of the nullity mentioned in can. 916, a plaint of nullity can be made in perpetuity by means of an exception, or within ten years of the date of publication of the judgment by means of an action before the judge who delivered the judgment.

Can. 918 A judgment is null with a nullity which is simply remediable, if:

1° it was not given by the lawful number of judges;

2° it does not contain the motives or reasons for the decision;

3° it lacks the signatures prescribed by the law;

4° it does not contain an indication of the year, month, day, and place it was given;

5° it was given against a party who was lawfully absent.

Can. 919 In the cases mentioned in can. 918, a plaint of nullity can be proposed within three months of notification of the publication of the judgment.

Can. 920 The judge who gave the judgment is to consider the plaint of its nullity. If the party fears that the judge who gave the judgment is biased, and consequently considers him suspect, he or she can demand that another judge take his place.

Can. 921 Within the time limit established for appeal, a plaint of nullity can be proposed together with the appeal.

Can. 922 § 1 A plaint of nullity can be made not only by parties who regard themselves as injured, but also by the promotor of justice and the defender of the bond, whenever they have a right to intervene.

§ 2 The judge himself can retract or correct an invalid judgment he has given, unless in the meantime an appeal joined to a plaint of nullity has been lodged, or the nullity has been

remedied by the expiry of the time-limits established by law.

CHAPTER II: THE APPEAL

Can. 923 Without prejudice to the provisions of can. 897, a party who considers him or herself to be injured by a judgment has a right to appeal from the judgment to a higher judge; in cases in which their presence is required, the promotor of justice and the defender of the bond have likewise the right to appeal.

Can. 924 No appeal is possible against:

1° a judgment of the Synod of Bishops;

2° a judgment which is null, unless the appeal is lodged together with a plaint of nullity;

3° a judgment which has become an adjudged matter

4° a decree of the judge which does not have the force of a definitive judgment, unless the appeal is lodged together with an appeal against the definitive judgment;

5° a judgment or a decree in a case in which the law requires that the matter be settled with maximum expedition.

Can. 925 § 1 The appeal must be lodged with the judge who delivered the judgment, within a preemphory time-limit of fifteen days from notification of the publication of the judgment.

§ 2 If it is made orally, the notary is to draw up the appeal in writing in the presence of the appellat.

Can. 926 If a question arises about the right of appeal, the appeal tribunal is to determine it with maximum expedition, in accordance with the norms for an oral contentious process.

Can. 927 The appeal is to be pursued before the appeal judge within one month of its being forwarded, unless the originating judge allows the party a longer time to pursue it.

Can. 928 § 1 To pursue the appeal, it is required and is sufficient that the party request the assistance of the higher judge to amend the judgment which is challenged, enclosing a copy of the judgment and indicating the reasons for the appeal.

§ 2 If the party is unable to obtain a copy of the appealed judgment from the originating tribunal within the canonical time-limit, this time limit is in the meantime suspended. The problem is to be made known to the appeal judge, who is to oblige the originating judge by precept to fulfill his duty as soon as possible.

§ 3 In the meantime, the originating judge must forward the acts to the appeal court.

Can. 929 The appeal is considered to be abandoned if the time-limits for an appeal before either the originating judge or the appeal judge have expired without action being taken.

Can. 930 § 1 The appellant can renounce the appeal.

§ 2 Unless the law provides otherwise, an appeal made by the defender of the bond or the promotor of justice, can be renounced by the defender of the bond or the promotor of justice of the appeal tribunal.

Can. 931 § 1 An appeal made by the plaintiff benefits the respondent, and vice versa.

§ 2 If there are several respondents or plaintiffs, and the judgment is challenged by only one of them, or is made against only one of them, the challenge is considered to be made by all and against all whenever the thing requested is an individual one or the obligation is a joint one.

§ 3 If one party challenges a judgment in regard to one ground, the other party can appeal incidentally on the other grounds, even if the canonical time limit for the appeal has expired. This incidental case is to be appealed within a peremptory time limit of fifteen days from the day of notification of the principal appeal.

§ 4 Unless the contrary is clear, an appeal is presumed to be against all the grounds of the judgment.

Can. 932 An appeal suspends the execution of the judgment.

Can. 933 A new ground cannot be introduced at the appeal grade, not even by way of the useful accumulation of grounds So the joinder of the issue can concern itself only with the upholding or the reform of the first judgment, either in part or in whole.

Can. 934 With the appropriate adjustments, the procedure at the appeal grade is to be the same as in first instance.

TITLE IX: ADJUDGED MATTER AND TOTAL REINSTATEMENT

CHAPTER I: ADJUDGED MATTER

Can, 935 An adjudged matter occurs when:

1° there are two conforming judgments between the same parties about the same matter and on the same grounds;

2° no appeal was made against the judgment within the canonical time limit;

3° the trial has been abated or renounced in the appeal grade;

4° a definitive judgment has been given from which there is no appeal.

Can. 936 § 1 An adjudged matter has the force of law and cannot be challenged directly, except in accordance with can. 939 § 1.

§ 2 It has the effect of law between the parties; it gives the right to an action arising from the judgment and to an exception of an adjudged matter; to prevent a new introduction of the same

case, the judge can even declare such an exception ex officio.

Can. 937 Cases concerning the status of persons never become an adjudged matter, not excepting cases which concern the separation of spouses.

Can. 938 § 1 If two conforming sentences have been given in cases concerning the status of persons, recourse to a tribunal of appeal can be made at any time, to be supported by new and serious evidence or arguments which are to be submitted within a peremptory time-limit of thirty days from the time the challenge was made. Within one month of receiving the new evidence and arguments, the appeal tribunal must declare by a decree whether or not a new presentation of the case is to be admitted.

§ 2 Recourse to a higher tribunal to obtain a new presentation of the case does not suspend the execution of the judgment, unless the law provides otherwise or the appeal tribunal orders a suspension.

CHAPTER II: TOTAL REINSTATEMENT

Can. 939 § 1 Against a judgment which has become an adjudged matter there can be a total reinstatement, provided it is clearly established that the judgment was unjust.

§ 2 Injustice is not, however, considered clearly established unless:

1° the judgment is so based on evidence which is subsequently shown to be false, that without this evidence the dispositive part of the judgment could not be sustained;

2° documents are subsequently discovered by which new facts demanding a contrary decision are undoubtedly proven;

3° the judgment was given through the deceit of one party to the harm of the other;

4° a provision of a law which was not merely procedural was evidently neglected;

5° the judgment runs counter to a preceding decision which has become an adjudged matter.

Can. 940 § 1 Total reinstatement based on the reasons mentioned in can. 939 §2, 1111. 1-3, is to be requested from the judge who delivered the judgment within three months from the day on which these reasons became known.

§ 2 Total reinstatement based on the reasons mentioned in can. 939 §2, 1111. 4 and 5, is to be requested from the appeal tribunal within three months of notification of the publication of the judgment. In the case mentioned in can. 939 §2, n. 5, if the preceding decision is not known until later, the time-limit begins at the time the knowledge was obtained.

§ 3 The time limits mentioned above do not apply for as long as the aggrieved party is a minor.

Can. 940 § 1 A plea for total reinstatement suspends the execution of a judgments which has not yet begun.

§ 2 If there are probable indications: leading the judge to suspect that the plea was made to cause delays in execution, he may decide that the judgment be executed. The person seeking total reinstatement is, however, to be given suitable guarantees that, if it is granted, he or she will be indemnified.

Can. 941 Where total reinstatement is granted, the judge must pronounce judgment of the merits of the case.

TITLE X: THE EXECUTION OF THE JUDGEMENT

Can. 942 § 1 A judgment which becomes adjudged matter can be executed.

§ 2 The judge who delivered the judgment and, if there has been an appeal, the appeal judge, can either ex officio or at the request of a party order the provisional execution of a judgment which has not yet become an adjudged matter, adding if need be appropriate guarantees when it is a matter of provisions of payments concerning necessary support. They can also do so for some other just and urgent reason.

§ 3 If the judgment mentioned in § 2 is challenged, the judge who must deal with the challenge can suspend the execution or subject it to a guarantee, if he sees that the challenge is probably well founded and that irreparable harm could result from execution.

Can. 943 Execution cannot take place before there is issued the judge's executing decree directing that the judgment be executed. Depending on the nature of the case, this decree is to be either included in the judgment itself or issued separately.

Can. 944 If the execution of the judgment requires a prior statement of reasons; this is to be treated as an incidental question to be decided by the judge who gave the judgment which is to be executed.

Can. 945 § 1 The Bishop of the diocese in which the first instance judgment was given must, either personally or through another, execute the judgment.

§ 2 If the refuses or neglects to do so, the execution of the judgment, at the request of an interested party or ex officio, belongs to the authority to which the appeal tribunal.

§ 3 Between religious, the execution of the judgment is the responsibility of the Superior who gave the judgment which is to be executed, or who delegated the judge.

Can. 946 § 1 The executor must execute the judgment according to the obvious sense of the words, unless in the judgment itself something is left to his discretion.

§ 2 He can deal with exceptions concerning the manner and the force of the execution, but not with the merits of the case.

SECTION II: THE ORAL CONTENTIOUS PROCESS

Can. 947 § 1 The oral contentious process dealt with in this section can be used in all cases

which are not excluded by law, unless a party requests an ordinary contentious process.

§ 2 If the oral process is used in cases other than those permitted by the law, the judicial acts are null.

Can. 948 An oral contentious process in first instance is made before a sole judge.

Can. 949 § 1 If an attempt at mediation has proven fruitless, the judge, if he deems that the petition has some foundation, is within three days to add a decree at the foot of the petition. In this decree he is to order that a copy of the plea be notified to the respondent, with the right to send a written reply to the tribunal office within fifteen days.

§ 2 This notification has the effects of a judicial summons.

Can. 950 If the exceptions raised by the respondent so require, the judge is to assign the plaintiff a time-limit for a reply, so that from the material advanced by each he can clearly discern the object of the controversy.

Can. 951 The hearing is to be conducted as listed in the previous canons.

Can. 952 § 1 At the conclusion of the hearing, the judge can decide the case forthwith, unless it emerges from the discussion that something needs to be added to the instruction of the case, or that there is something which prevents a judgment being correctly delivered. The dispositive part of the judgment is to be read immediately in the presence of the parties.

§ 2 Because of the difficulty of the matter, or for some other just reason the decision of the tribunal can be deferred for up to five canonical days.

§ 3 The full text of the judgment, including the reasons for it, is to be notified to the parties as soon as possible, normally within fifteen days.

PART III: CERTAIN SPECIAL PROCESSES

TITLE I: MATRIMONIAL PROCESSES

ARTICLE 1: THE COMPETENT FORUM

Can. 953 Matrimonial cases of the baptized belong by their own right to the Church judge.

Can. 954 Cases concerning the merely civil effects of marriage pertain to the civil courts.

Can. 955 The following tribunals are competent in cases concerning the nullity of marriage:

1^o the tribunal of the place where the marriage was celebrated;

2^o the tribunal of the place where the respondent has a domicile or quasi-domicile;

ARTICLE 2: THE RIGHT TO CHALLENGE THE VALIDITY OF MARRIAGE

Can. 956 The following are able to challenge the validity of a marriage:

1^o the spouses themselves;

2^o the promotor of justice, when the nullity of the marriage has already been made public, and the marriage cannot be validated or it is not expedient to do so.

ARTICLE 3: THE DUTIES OF THE JUDGES

Can. 957 Before he accepts a case and whenever there appears to be hope of success, the judge is to use pastoral means to persuade the spouses that, if it is possible, they should perhaps validate their marriage and resume their conjugal life.

ARTICLE 4: GENERAL NORMS

Can. 958 In the judgment the parties are to be reminded of the moral, and also the civil, obligations by which they may be bound, both towards one another and in regard to the support and upbringing of their children.

Can. 959 After hearing all the evidence at hand the judge may grant the parties petition and allow them to remarry if they so choose.

TITLE II: CASES FOR THE DECLARATION OF NULLITY OF SACRED ORDINATION

Can. 960 The right to impugn the validity of sacred ordination is held by the cleric himself, or by the Ordinary to whom the cleric is subject, or by the Ordinary in whose diocese he was ordained.

Can. 961 § 1 The petition must be sent to the Synod of Bishops which will decide whether the case is to be determined by the Synod or by a tribunal designated by it.

§ 2 Once the petition has been sent, the cleric is by the law itself forbidden to exercise orders.

§ 3 In addition, the cleric is forbidden to seek "sub-conditione" ordination.

Can. 962 If the Synod remits the case to a tribunal, the canons concerning trials in general and the ordinary contentious trial are to be observed, unless the nature of the matter requires otherwise and without prejudice to the provisions of this title.

TITLE III: WAYS OF AVOIDING TRIALS

Can. 963 In order to avoid judicial disputes, agreement or reconciliation can profitably be adopted, or the controversy can be submitted to the judgment of one or more arbiters.

Can. 964 The norms for agreements, for mutual promises to abide by an arbiter's award, and for arbitral judgments are to be selected by the parties. If the parties have not chosen any, they are to use the law established by the Episcopal Conference, if such exists, or the civil law in

force in the place where the pact is made.

Can. 965 Agreements and mutual promises to abide by an arbiter's award cannot validly be employed in matters which pertain to the public good, and in other matters in which the parties are not free to make such arrangements.

PART IV: THE PENAL PROCESS

CHAPTER I: THE PRELIMINARY INVESTIGATION

Can. 966 § 1 Whenever the Ordinary receives information, which has at least the semblance of truth, about an offence, he is to inquire carefully, either personally or through some suitable person, about the facts and circumstances, and about the imputability of the offence, unless this inquiry would appear to be entirely superfluous.

§ 2 Care is to be taken that this investigation does not call into question anyone's good name.

§ 3 The one who performs this investigation has the same powers and obligations as an auditor in a process. If, later, a judicial process is initiated, this person may not take part in it as a judge.

Can. 967 § 1 When the facts have been assembled, the Ordinary is to decide:

1° whether a process to impose or declare a penalty can be initiated;

2° whether this would be expedient;

3° whether a judicial process is to be used or, unless the law forbids it, whether the matter is to proceed by means of an extra-judicial decree.

§ 2 The Ordinary is to revoke or change the decree mentioned in § 1 whenever new facts indicate to him that a different decision should be made.

§ 3 In making the decrees referred to in §§ 1 and 2, the Ordinary, if he considers it prudent, is to consult two judges or other legal experts.

§ 4 Before making a decision in accordance with § 1, the Ordinary is to consider whether, to avoid useless trials, it would be expedient, with the parties' consent, for himself or the investigator to make a decision, according to what is good and equitable, about the question of harm.

Can. 968 The acts of the investigation, the decrees of the Ordinary by which the investigation was opened and closed, and all those matters which preceded the investigation, are to be kept in the secret curial archive, unless they are necessary for the penal process.

CHAPTER II: THE COURSE OF THE PROCESS

Can. 969 If the Ordinary believes that the matter should proceed by way of an extra-judicial

decree:

1° he is to notify the accused of the allegation and the evidence, and give an opportunity for defense, unless the accused, having been lawfully summoned, has failed to appear;

2° together with two assessors, he is accurately to weigh all the evidence and arguments;

3° if the offence is certainly proven and the time for criminal action has not elapsed, he is to issue a decree outlining at least in summary form the reasons in law and in fact.

Can. 970 § 1 If the Ordinary decrees that a judicial penal process is to be initiated, he is to pass the acts of the investigation to the promotor of justice, who is to present to the judge a petition of accusation.

§ 2 Before a higher tribunal, the promotor of justice constituted for that tribunal adopts the role of plaintiff.

Can. 971 At any stage of the process, in order to prevent scandal, protect the freedom of the witnesses and safeguard the course of justice, the Ordinary can, after consulting the promotor of justice and summoning the accused person to appear, prohibit the accused from the exercise of the sacred ministry or of some Church office and position or even prohibit public participation in the blessed Eucharist. If, however, the reason ceases, all these restrictions are to be revoked; they cease by virtue of the law itself as soon as the penal process ceases.

Can. 972 § 1 When the judge summons the accused; he must invite the latter to engage an advocate within the time laid down by the judge.

§ 2 If the accused does not do this, the judge himself is to appoint an advocate before the joinder of the issue, and this advocate will remain in office for as long as the accused has not engaged an advocate.

Can. 973 § 1 At the direction or with the consent of the Ordinary who decided that the process should be initiated, the promotor of justice in any grade of the trial can resign from the case.

§ 2 For validity, this resignation must be accepted by the accused person, unless he or she has been declared absent from the trial.

Can. 974 In the argumentation of the case, whether done in writing or orally, the accused person or the advocate or procurator of the accused, always has the right to write or speak last.

Can. 975 If in any grade or at any stage of a penal trial, it becomes quite evident that the offence has not been committed by the accused, the judge must declare this in a judgment and acquit the accused, even if it is at the same time clear that the period for criminal proceedings has elapsed.

Can. 976 § 1 Without prejudice to the canons of this title, and unless the nature of the case requires otherwise, in a penal trial the judge is to observe the canons concerning judicial procedures in general, those concerning the ordinary contentious process, and the special norms about cases which concern the public good.

§ 2 The accused person is not bound to admit to an offence, nor may the oath be administered to the accused.

PART V: THE MANNER OF PROCEDURE IN ADMINISTRATIVE RECOURSE AND IN THE REMOVAL OR TRANSFER OF PARISH PRIESTS

SECTION I: RECOURSE AGAINST ADMINISTRATIVE DECREES

Can. 977 Whatever is laid down in the canons of this section concerning decrees, is also to be applied to all singular administrative acts given in the external forum outside a judicial trial, except for those given by the Synod of Bishops.

Can. 978 When a person believes that he or she has been injured by a decree, it is greatly to be desired that contention between that person and the author of the decree be avoided, and that care be taken to reach an equitable solution by mutual consultation, possibly using the assistance of serious-minded persons to mediate and study the matter. In this way, the controversy may by some suitable method be avoided or brought to an end.

Can. 979 § 1 Before having recourse, the person must seek in writing from its author the revocation or amendment of the decree. Once this petition has been lodged, it is by that very fact understood that the suspension of the execution of the decree is also being sought.

§ 2 The petition must be made within the peremptory time-limit of ten days from the time the decree was lawfully notified.

§ 3 The norms in §§ 1 and 2 do not apply:

1° in having recourse to the Bishop against decrees given by authorities who are subject to him;

2° in having recourse against the decree by which a hierarchical recourse is decided, unless the decision was given by the Bishop himself;

3° in having recourse in accordance with can. 980

Can. 980 If, within thirty days from the time the petition mentioned in Can. 979 reaches the author of the decree, the latter communicates a new decree by which either the earlier decree is amended or it is determined that the petition is to be rejected, the period within which to have recourse begins from the notification of the new decree. If, however, the author of the decree makes no decision within thirty days, the time-limit begins to run from the thirtieth day.

Can. 981 § 1 A person who contends that he or she has been injured by a decree, can for any just motive have recourse to the hierarchical Superior of the one who issued the decree. The recourse can be proposed before the author of the decree, who must immediately forward it to the competent hierarchical Superior.

§ 2 The recourse is to be proposed within the peremptory time-limit of fifteen canonical days.

§ 3 Even in those cases in which recourse does not by law suspend the execution of the decree the Superior can for a serious reason order that the execution be suspended, but is to take care that the salvation of souls suffers no harm.

Can. 982 The person having recourse always has the right to the services of an advocate or procurator, but is to avoid futile delays. Indeed, an advocate is to be appointed ex officio if the person does not have one and the Superior considers it necessary. The Superior, however, can always order that the one having recourse appear in person to answer questions.

Can. 983 In so far as the case demands, it is lawful for the Superior who must decide the recourse, not only to confirm the decree or declare that it is invalid, but also to rescind or revoke it or, if it seems to the Superior to be more expedient, to amend it, to substitute for it, or to abrogate it.

SECTION II: THE PROCEDURE FOR THE REMOVAL OR TRANSFER OF PARISH PRIESTS

CHAPTER I: THE PROCEDURE FOR THE REMOVAL OF PARISH PRIESTS

Can. 984 When the ministry of any parish priest has for some reason become harmful or at least ineffective, even though this occurs without any serious fault on his part, he can be removed from the parish by the diocesan Bishop.

Can. 985 The reasons for which a parish priest can lawfully be removed from his parish are principally:

- 1^o a manner of acting which causes grave harm or disturbance to Church communion;
- 2^o ineptitude or permanent illness of mind or body, which makes the parish priest unequal to the task of fulfilling his duties satisfactorily;
- 3^o the loss of the parish priest's good name among upright and serious-minded parishioners, or aversion to him, when it can be foreseen that these factors will not quickly come to an end
- 4^o grave neglect or violation of parochial duties, which persists after a warning;
- 5^o bad administration of temporal goods with grave harm to the Church, when no other remedy can be found to eliminate this harm.

Can. 986 If an investigation shows that there exists a reason mentioned in Can. 985, the Bishop is to discuss the matter with two parish priests from a group stably chosen for this purpose by the council of priests, at the proposal of the Bishop. If he then believes that he should proceed with the removal, the Bishop must, for validity, indicate to the parish priest the reason and the arguments, and persuade him in a fatherly manner to resign his parish within fifteen days.

Can. 987 The resignation of the parish priest can be given not only purely and simply, but even upon a condition, provided the condition is one which the Bishop can lawfully accept and does

in fact accept.

Can. 988 § 1 If the parish priest has not replied within the days prescribed, the Bishop is to renew his invitation and extend the time within which a reply is to be made.

§ 2 If it is clear to the Bishop that the parish priest has received this second invitation but has not replied, even though not prevented from doing so by any impediment, or if the parish priest refuses to resign and gives no reasons for this, the Bishop is to issue a decree of removal.

Can. 989 If, however, the parish priest opposes the case put forward and the reasons given in it, but advances arguments which seem to the Bishop to be insufficient, to act validly the Bishop must:

1^o invite him to inspect the acts of the case and put together his objections in a written answer, indeed to produce contrary evidence if he has any;

2^o after this, complete the instruction of the case, if this is necessary, and weigh the matter with the same parish priests mentioned in Can. 986, unless, because of some impossibility on their part, others are to be designated;

3^o finally, decide whether or not the parish priest is to be removed, and without delay issue the appropriate decree.

CHAPTER II: THE PROCEDURE FOR THE TRANSFER OF PARISH PRIESTS

Can. 990 The good of souls or the necessity or advantage of the Church may demand that a parish priest be transferred from his own parish, which he governs satisfactorily, to another parish or another office. In these circumstances, the Bishop is to propose the transfer to him in writing and persuade him to consent, for the love of God and of souls.

Can. 991 If the parish priest proposes not to acquiesce in the Bishop's advice and persuasion, he is to give his reasons in writing.

Can. 965 Despite the reasons put forward, the Bishop may judge that he should not withdraw from his proposal. In this case, together with two parish priests chosen in, accordance with Can. 986, he is to weigh the reasons which favor and those which oppose the transfer. If the Bishop still considers that the transfer should proceed, he is again to renew his fatherly exhortation to the parish priest.

Can. 992 § 1 If, when these things have been done, the parish priest still refuses and the Bishop still believes that a transfer ought to take place, the Bishop is to issue a decree of transfer stating that, when a prescribed time has elapsed, the parish shall be vacant.

§ 2 When this time has elapsed without result, he is to declare the parish vacant.

GLOSSARY

Acceptance of Petition: Can apply to either a decree, a process or a decision.

1. If used to apply to a decree, it means the formal decree whereby a judge, having heard the advocate and the defender, admits a petition for trial.
2. If used to apply to a process, it means the hearing, either oral or by writing, whereby the judge considers the arguments of the advocate and defender on whether or not to accept a petition for trial.
3. If used to apply to a decision, it means the actual decision made by the judge to accept the petition. In order that a petition be accepted it is required that the Petitioner show:
 - a. A basis for a petition, that is, allege that there is present a ground or grounds recognized in law or jurisprudence as being sufficient to cause nullity if proved, and
 - b. A possibility of proving the alleged ground (ordinarily this latter requirement is met when the person presents a list of possible witnesses).

Acta: The complete record of a formal case, that is, documents relating to procedure and evidence. The term is also used sometimes as a reference to the *Acta Apostolicae Sedis* (which see), usually in conversation but not in writing. “*Acta processus*” = procedural acts; “*acta causae*” = evidence.

Administrative Procedure: A non-judicial process whereby the one who makes the judgment relies on proof largely obtained from documents. For example, a defect of form case is ordinarily handled under administrative procedure. The one who handles the case need not be a judge and the duly constituted judges of the tribunal are not, in virtue of their office, authorized to make judgments using this process. If someone other than the Ordinary renders decisions in cases under administrative procedure, he or she does so in virtue of delegated authority from the Ordinary even if that person is a duly constituted judge of the tribunal.

Advocate: A person appointed by a party to defend his or her point of view before the court. Thus, both Petitioner and Respondent may have an advocate. Ordinarily, if both parties agree on the petition, it is sufficient that there be only one advocate to represent both. Each party before the court, whether as Petitioner or Respondent, has a right to an advocate. See also the term “Procurator.” Ordinarily the advocate will argue for the position of the “client.” However, in ecclesiastical procedure, the advocate is an officer of the court and his or her obligation is the service of truth. Thus, the direction given by Pius XII to defenders is applicable also to advocates, that is, they are not obliged, nor should they advance spurious arguments in favor of their client’s position but, rather, strive to insure that the court arrives at the truth. See the allocution of Pius XII of October 2, 1944. An English translation of excerpts can be found in Lawrence Wrenn, *Annulments*, Canon Law Society of America: Toledo, 1978 (3rd edition, pp. 140-141; 4th edition, Washington, DC, 1983, pp. 134-135).

Amentia: A severe mental disturbance which renders a person incapable of comprehending the formal object of matrimonial consent or incapable of giving such consent. Ordinarily the term should properly be restricted to cases involving severe psychoses.

Annulment: A determination that a particular marriage was null, that is, did not give rise to a valid, binding matrimonial bond because of the presence of some factor recognized in law as preventing a valid bond. It should be noted that a declaration of nullity is not always the same as saying that there never was a marriage. The union, even though declared null, can, for example, give rise to legitimate children and obligations such as child support, insuring

education of children and the like. Essentially, the declaration of nullity is a statement that by entering the previous union the person did not establish an indissoluble marriage bond which could be broken only by death.

Appeal: A review by a higher court of the action taken or decision given by a lower court.

Argument Section: That portion of a sentence in which the judge explains how the conclusion has been reached.

Auditor: One who takes a formal deposition (testimony) from a party or witness in a case. The judge takes testimony virtue of his office. An auditor may be appointed to the position either as a general assignment or may be delegated for a particular case or to hear the testimony of a particular witness. This latter is what generally happens in the case of a rogatory commission.

Authentic: Literally means genuine or being precisely what it claims to be. The term is usually applied to documents and means that the piece of paper corresponds with the original record. It implies that the document being considered is in accordance with the original. Documents issued by civil authorities are usually “certified as being authentic copies of the record of facts. In the case of a copy of an original, the copy can be authenticated by a notary, either ecclesiastical or civil, who compares the copy with the original and certifies that he copy is an exact one.

Brief: An argument in support of a particular position. In marriage cases, the brief will come from either an advocate or a defender and will state the point of view he, or she represents in the case. Thus, it can be classified as a brief of the advocate (in which case it will argue for the nullity of the marriage) or a brief of the defender (which will argue in defense of the bond of marriage). The argumentation in a case may now be either written or oral or a mixture of the two. To be precise, the word “brief” should be confined to written argumentation, although it is sometimes used to refer to this oral argumentation.

Canonical Age: The age at which a person is legally competent to perform a certain action or undertake a certain obligation. Church law decrees that the canonical age for marriage is sixteen (16) for males and fourteen (14) for females. (May be different from civil requirements)

Canonical Form: See Form of Marriage.

Caput or Ground: The basis for a petition of nullity.

Certitude: See Moral certitude.

Citation: An official notice, summons or subpoena served on a person, either a principal or witness in a case, calling upon him or her to present evidence to the court.

Code of Canon Law: (Usually abbreviated C.I.C.) Initially the body of law compiled and promulgated as universal Church law in 1917. Five books dealt with general norms, persons in the Church, things, procedures and penalties. It was abrogated by the 1983 code with its seven books on general norms, the people of God, the Church’s teaching and sanctifying offices, temporal good, sanctions, and procedures.

Competence: The term refers to the jurisdiction of a tribunal whereby it possesses the power to try a particular case. It is not to be confused with the ordinary English meaning accorded to the word (i.e. expertise in a certain area) but, rather, means “legally qualified” or “qualified by law.”

Condition: A stipulation placed by one of the parties on the marriage consent and of such a character that its fulfillment is a necessary prerequisite for the marriage to become effective and binding.

Confession: An admission of some fact or circumstance. It is generally applied to the situation where the party who placed a nullifying condition or intention against a marriage admits to having so done. It is called a judicial confession where the admission mentioned is made in the presence of a judge and as part of a formal hearing that takes place after the formal process has already begun, that is, the confession is made during a court hearing. It is called an extra-judicial confession when the above conditions are not met, or when it is made, even to a judge in a court hearing, before the formal process has begun, that is, before the *contestatio litis* and *tempore non-suspecto*.

Consortium vitae coniugalis: A technical term used in theology but especially in jurisprudence to refer to the totality of married life and love that comprises the living of sacramental Christian marriage. See the Pastoral Constitution *The Church in the Modern World (Gaudium et spes)*, #47- 52.

Constat: The evidence in a marriage case is persuasive enough to move the judge(s) to render an affirmative decision, i.e. the nullity of the marriage is demonstrated.

Contestatio or Contestatio Litis: Also called the “Joinder of Issues.” It is the second formal step in the formal judicial process. In theory it refers to the hearing in which the court determines the precise issue to be settled in a case, that is, the issue which is to be proved. For example, “Has the nullity of the Jones-Smith marriage been fully proved?”

Contra bonum fidei (sometimes contracted to C.B.F.): Literally means an intention against fidelity, that is, against the exclusiveness of the marital commitment.

Contra bonum prolis (sometimes contracted to C.B.P.): Literally means an intention against the good of children. It is a technical term that reflects primarily the notion of an intention at the time of entering marriage excluding the right to non-contraceptive intercourse and its natural consequence.

Contra bonum Sacramenti (sometimes contracted to C.B.S.): Literally means an intention against permanence, that is, against the perpetuity of the marital commitment. Note that although the word “sacrament” is used, the term is not intended to apply solely to marriages that might be sacramental. Rather, it is a technical term that relates to the permanence of the marital commitment without reference to whether the marriage is a sacrament or not. Thus, it applies with equal force to the marriages of the non-baptized.

Convalidation: See Validation.

Coram: Literally means “before.” It designates the judge before whom a case is tried. Since for the sake of confidentiality, the names of the parties are not used in reporting cases, Rotal and other tribunal decisions will usually be cited by indicating the name of the judge and the date or protocol number of the case, for example, coram Anne, March 15, 1975.

Culpable Cause: In the realm of canon law it usually refers to the person who was responsible for the breakup or nullity of marriage, that is, the one to whom the failure or nullity of the union is imputable. Since it embraces the concept of imputability, it inherently implies moral guilt or willful wrongdoing. The distinction becomes important in that, for example, a person who is the culpable cause of the breakup of a marriage is not eligible to receive a privileged dissolution of the marriage, as in a Privilege of the Faith or Pauline Privilege.

Decree: A formal decision issued by an appropriate authority to resolve a particular question. Since the decision is usually given in writing the word is also used commonly to refer to the written instrument which states the decision.

Defect (Absence) of Form (usually contracted to D.F. case): Literally, lack of the canonical formalities required for a valid marriage. According to Canon 1108 §1, in order to marry validly, a Catholic must exchange consent in the presence of a duly delegated priest or deacon and two witnesses. The priest or deacon must ask for and receive the consent of the parties through at least some outward signs or manifestations. If any of these elements is missing, the marriage is null by reason of defect of canonical form unless the Catholic has been duly dispensed from the obligation of form. If the defect of form can be established by certain and authentic documents the marriage can be declared invalid or null using an administrative process (see [Administrative Procedure](#)).

Defender of the Bond (sometimes referred to simply as the Defender): An officer of the court appointed by the bishop to defend the bond of marriage or holy orders when their validity is contested. The presence of a defender is also required in such processes as privilege of the Faith and non-consummation cases. Since the defender is an officer of the court, his obligation is the service of truth and not the absolute defense of the bond in all cases. See the allocution of Pius XII October 2, 1944: *A.A.S.* 36 (1944) 281. An English translation of excerpts can be found in Lawrence Wrenn, *Annulments* (Toledo: CLSA, 3rd edition 1978), pp. 139-140; (Washington: CLSA, 4th edition 1983), pp. 133-134.

Delegated Power or Jurisdiction: Power or jurisdiction which does not belong to the one who exercises it in virtue of appointment to an office or in virtue of law but, rather, is committed to the individual by one who already has the power. For example, an assistant pastor officiates at a marriage in virtue of delegated power; a pastor officiates in virtue of ordinary jurisdiction. See Canon 131 (1983 code).

Deposition: A formal written statement given under oath. It usually refers to testimony taken from principals and witnesses in marriage cases. It sometimes refers to testimony given purely orally by a witness.

Dicastery: A generic term that is used to refer to the congregations, tribunals, *secretariates*, etc. of the Roman Curia, as in Roman dicastery.”

Diriment Impediment: An external circumstance or characteristic regarded by the law as rendering a person incapable of a particular action, either totally or relatively, so that if the action is attempted it is null. The term is most commonly used in reference to matrimonial impediments. At times a dispensation can be granted permitting the action in question.

Dispensation: A relaxation of the law in a particular case. For validity it must be given by one who has the power to dispense. If given by an authority lower than the supreme legislator it is necessary for the validity of the dispensation that there be a legitimate and proportionate cause for granting it.

Dissolution: In the canon law on marriage, it means an action by an appropriate authority in which the bond of a valid marriage is terminated.

Document: Anything printed, written, etc. relied upon to record or prove something.

Documentary Procedure: A judicial process established for certain types of cases in which all the formalities of procedural law are not required. The process stipulated that cases involving non-dispensed impediments mentioned in Canon 1686 could be tried without using the full formal process.

Domicile: Literally means a place of residence. In canon law its meaning is restricted. It refers to a place in which a person has lived for five (5) years or to which a person has moved with the intention of remaining there permanently unless called away. (See also Quasi-Domicile.)

Doubt: A suspension of the mind among two or more alternatives, that is, there is question as to which of two or more alternatives is correct.

Dubium facti (Doubt of fact): See Doubt. A doubt of fact arises when there is uncertainty about a particular fact, for example, whether a particular person was baptized or not; whether a particular baptism was valid or not.

Dubium iuris (Doubt of law): See Doubt. A doubt of law arises when there is uncertainty about the existence of a law about the meaning of a particular law, or about its applicability to a particular situation.

Due competence: This is a term used by some tribunals to indicate the capacity a person must have in order to function in a specific marriage in such a way as to accomplish the formal object of matrimonial consent, that is, the *consortium vitae coniugal*.

Due discretion: This term refers to the exercise of the critical, evaluative faculty on the part of an individual contemplating marriage so as to be able to make a judgment as to whether or not to enter the union. The notion of discretion includes both the idea of comprehending with reasonable clarity the obligations involved and the idea of a clear judgment on whether or not to assume them. Within the framework of this concept, a guiding principle is that a greater degree of discretion is necessary to assume a future obligation than is necessary to form a judgment about the present.

Epikeia: A concept of law used primarily in the Eastern Rite Churches which allows the lenient application of some particular legal provision in an individual case. The premise on

which the concept is based is that the legislator cannot take into account every individual human circumstance. Yet the applicability of a particular law to a particular individual should take into account the exact circumstances of that individual. The concept of *epikeia* is that the legislator would conclude, were he aware of these individual circumstances, that the law would not apply in that particular case, or would not apply in all its provisions. *Epikēia* is not to be confused with dispensation or equity.

Equity: A body of practical law and procedural rules intended to supplement or even override statutory law in such a way as to enforce rights and duties according to the norms of natural justice where the rigid application of statutory law might actually conflict with this.

Error: A false judgment. The word could also be taken to mean a false intellectual understanding. More generally, however, this latter is called “ignorance.” So, ignorance exists in the intellect while error exists in the will and involves an act of the will, that is, a decision to act or a judgment based on ignorance.

Error of Fact: Exists where there is a false judgment about the facts of a particular situation. Error of law exists when there is a false judgment about some aspect of law, either the very existence of the law, its provisions or its applicability. An error of law excuses from all laws except those which have invalidating effect over a particular action or an inhabilitating effect on a particular person, for example, laws establishing matrimonial impediments.

Error of Person: An erroneous judgment about the marriage partner, which originally referred to situations of, mistaken identity yet recently has been interpreted more broadly to refer to significant qualities of the prospective spouse.

Evidence: That which is introduced in court as a means of proving something. The concept, therefore, would include anything capable of having probative force, such as testimony, circumstances, indications, documents, etc.

Extrajudicial evidence: Evidence which is presented outside of a judicial process. The term applies to evidence which is introduced before the judicial process has begun. After the process has begun, it applies to evidence which is not given to a judge or duly appointed delegate, auditor or the like. Such evidence can be admitted into the acts by judicial decree and thereby obtain probative force.

First Instance: The term can mean either the first level court for a particular area or the first level process of a particular case. So, the diocesan tribunal is the first instance tribunal for that particular case. However, an individual case might be introduced in another court and the first time the process takes place is in this latter court, for example, the Rota. In that situation, the college within the Rota which first handles the case does so as a court of first instance.

Formal case: Any case which is tried in the formal judicial process.

Formal process: The judicial process in which all the provisions of Canons 1400-1655, 1671-1685, and 1689-1691 are applicable.

Form of Marriage: The formalities by which marriage is entered. The term usually refers to “canonical form,” that is, to marry validly, a Catholic must exchange consent in the presence of

a duly authorized sacred minister (bishop, priest, or deacon) and two witnesses. In the case of Orthodox, there is the additional requirement of receiving the sacred blessing.

Fraud: As it applies to marriage, this involves the deliberate concealment of some particular fact or circumstance in order to induce matrimonial consent, in the belief that if the fact or circumstance were revealed the marriage probably would not take place.

Good conscience: Literally means a conscience, or moral judgment, with which an individual is satisfied and which he or she believes to be correct. The term is frequently also used to refer to an extrajudicial solution of a marriage case whereby, without a declaration of nullity or dissolution of a previous bond, a person who is remarried receives the sacraments.

Ground: *See Caput.*

Humanae vitae: An encyclical of Pope Paul VI, issued on July 25, 1968, which treats of human life within a doctrinal exposition of a theology of marriage and the morality of family planning.

Impediment: An external circumstance or characteristic established by law as prohibiting a particular action. Although the term is most commonly found in marriage law it may also be found in relationship to other actions, for example, the reception of Orders.

Implicit: Literally means inherently contained. In relationship to the present study, it means a concept contained in an action or intention in such a way that, even though not consciously considered or intended, it influences the performance of the act through its effect upon the will.

In facto: (in fact) In the tribunal context it generally means that section of the sentence in a case which delineates the facts of the marriage under consideration, e.g. names of the parties, dates of birth, religion, date of marriage and the like. In the practice of some tribunals, it might be referred to as “*species facti.*” Some courts, among them the Rota, frequently use the term “*in facto*” to refer to the argument section of the sentence.

In iure: (in law) In the tribunal context it means that section of the sentence in a case which expounds the law and jurisprudence governing the ground on which the case is being tried.

Indication: A factor in testimony, documentation or circumstances which directs the mind to a particular conclusion in such a way that while there is not moral certainty about the correctness of the conclusion there is some degree of certainty.

Informal process: See Summary process (Documentary).

Inhabilitating: Something which renders a person incapable of performing a particular action, e.g. a diriment impediment.

Instruction: The process of moving a case forward to the point where it is ready for briefs or oral argumentation by the advocates and defender. One is said to “instruct” a case when one seeks depositions of witnesses, documents and the like, the information necessary to clarify the issue in question. The word also indicates certain documents issued by Roman dicasteries, usually documents which set forth norms or directions on particular questions, e.g. *Provida*

Mater issued in 1936 by the Congregation of Sacraments to aid tribunal officials in processing marriage cases.

Intention, actual: A determination of the will which is either formulated as such or at least adverted to so that it becomes the actual motive for or goal of a particular act.

Intention, habitual: A determination of the will which exists in a stable fashion so that, even though not necessarily formulated or even adverted to, it can be said to influence effectively the action performed either in the motive for performing it or the goal to be accomplished by the action.

Invalid: Not valid; ineffective; as if the action had never taken place.

Invalidating: Something which makes an action invalid or null. For example, diriment impediments (which see) are said to be “invalidating impediments.”

Ius in corpus: The right exchanged in marriage whereby the parties give to one another the right to sexual intercourse.

Ius utile: (useful right) or “the right to use a right.” Although in theory a right can be possessed in a vacuum and a distinction can be made between the possession of a right and the freedom to exercise that right, it makes little sense in practice to say that a person has a particular right but is not permitted to exercise it. Consequently, if the “*ius utile*,” the liberty to exercise the right, is excluded, it is considered in practice to be the equivalent, of excluding the right itself.

Iris vigenis: The current law. It is made up of the Code of Canon Law (which see) and all legislative provisions subsequent to the code; so, the entire body of Church law as it exists at a given time.

Joinder of Issues (Joining of Issues): See *Contestatio*.

Judge: An ecclesiastical office whereby one is empowered to preside over the gathering of evidence in controverted matters and render decisions on petitions presented to the court. The *Judicial Vicar* and *Vice Judicial Vicar* are judges in virtue of appointment to that office. They exercise the bishop’s judicial power in such a way that they are considered in law to be the same moral person as the bishop, and there is, for example, no right of appeal to the bishop from the judicial decision of the *Judicial Vicar*. Unlike the vicar general, they remain in office during the vacancy of the See. A Collegiate judge is one who exercises the office as one of a panel of judges. The *Ponens* is the one who, in a panel of judges, is appointed to put the collegiate decision in writing.

Jurisdiction: See Competence.

Jurisprudence: A consistent pattern of court action in the application of law to practical situations. It is, in effect, the reasoning a court uses in applying the law to a situation and arriving at a decision.

Law: A reasonable ordinance or command made and promulgated for the common good by the one who has charge of the society.

Libel: See *Libellus*.

Libellus: A formal request presented by a person to a Church court asking that a marriage be declared null or that it be dissolved. It is usually to be in writing and should state, at least, the ground (which see) on which the request is made, the means of proving the case (briefly expressed), and at least sufficient detail so as to be able to identify the marriage in question, e.g. at least the names of the parties to the marriage.

Ligamen: The diriment impediment of prior bond, that is, the existence of a valid marriage bond, which prevents entrance into a new marriage.

Local Ordinary: See Ordinary.

Marriage, classifications of:

1. Ratum: A valid marriage of two baptized people which has not yet been consummated.
2. Ratum et consummatum: A valid marriage of two baptized people which has been consummated.
3. Legitimum: A valid marriage between two persons at least one of whom is non-baptized (not in present law).
4. Valid: A marriage entered according to proper form by two people who are capable of marriage and who are not otherwise bound by any impediment. Therefore, it is a marriage that conforms with Church law in all respects.
5. Invalid: A marriage that is not valid. Children born of such a union are illegitimate in ecclesiastical law unless at least one of the parties is in good faith.
6. Putative: A marriage which is not valid, objectively speaking, but which is entered into in good faith by at least one of the parties until both parties are aware of the nullity of the union. Children born of such a union are legitimate in church law.

Moral certitude: As a technical term, “moral certitude” is the measure of certainty which a judge is required to have in rendering a decision in a marriage case. It does not rule out the absolute possibility of the contrary being true but it certainly rules out the probability of the contrary. It excludes well-founded or reasonable doubt about the judgment to be rendered in the case in question. See the allocution of Pius XII in Wrenn, *Annulments* (3rd edition, pp. 135-138; 4th edition, pp. 128-132).

Natural bond of Marriage: See Marriage, *Legitimum*.

Non-constat: The evidence in a marriage case is not persuasive enough to move the judge(s) to render an affirmative decision for nullity. However this does not necessarily mean that the marriage is valid. The negative decision is simply related to the evidence available at the time of the process.

Non-consummation case: This is the process conducted in cases where it is alleged that the marriage was not consummated and the Petitioner is seeking a dissolution of the marriage by papal power. The process is governed largely by norms established by the Sacred Congregation for the Sacraments, issued on March 7, 1972 as well as cc. 1697- 1706.

Notary: One who is designated to perform the legal functions of recording and certifying the acts of cases or other ecclesiastical documents.

Occult: The term has two meanings in canon law:

1. Something which is not widely known in the community;
2. Something which cannot be proved in the external forum.

To determine which meaning is intended in a particular law it will be necessary to read the wording of the law. In reference to marriage, however, the second meaning mentioned above is the one generally intended (c. 1074). The first meaning is operative in Penal Law (c. 2197 §4 of 1917 code; nothing explicit in current law).

Ordinary: Strictly speaking, in canon law the term can apply to a variety of individual offices, such as the bishop of the diocese, the vicar general, the vicar of a vicariate. In the context of the tribunal, it refers to the bishop of the diocese or any other person equivalent to him in law, such as the vicar of a vicariate apostolic in mission territory. Canon 134 lists those who are ordinaries: the pope, the residential bishop, and those equivalent to him in law, as well as major religious superiors of exempt orders and congregations.

Ordinary power: Authority or jurisdiction which is committed to a particular office by law in such a way that anyone who occupies the office automatically possesses that authority. It is said to be “proper” if it is exercised in one’s own name, e.g. the bishop of the diocese; it is “vicarious” if it is exercised in the name of another, e.g. the vicar general has ordinary vicarious jurisdiction and acts not in his own name but in the name of the bishop.

Peregrinus(a): A person who has a fixed abode in a given area but is now traveling in another area.

Peritus: An expert. In the tribunal context, the term usually refers to any person who, in virtue of professional training, offers specialized, testimony to the tribunal or who is called upon by the tribunal to offer advice in the interpretation of the acts. The term is most frequently used in reference to a psychiatrist, psychologist or other professionally trained person who reviews the acts of a case and offers a professional opinion about the capacity of a party of the parties for marriage. However, the term may properly be used in a broader sense than that.

Petition: See *Libellus*. In a broader sense, it can mean any formal request, written or oral, whereby one asks a decision or favor. In the tribunal context the term is used in the more restricted sense.

Petitioner: The one who presents a *libellus* or petition.

Ponens: The judge who commits to writing the decision of a collegiate tribunal. See Judge.

Pre-libel evidence: Evidence, including testimony, that is obtained or submitted prior to the presentation of a formal *libellus* (which see). See Extrajudicial Evidence for a reference to the manner in which such evidence is admitted into the acts so as to obtain probative force.

Precedent: Something that has gone before and establishes a standard of acting. In law, a precedent is a decision of another court, preferably a higher court, which guides a judge in applying the law to a particular set of circumstances. Canon law is not precedent law.

Consequently, a judge does not have to be able to cite a precedent in order to justify his decision. In practice, however, tribunals tend to look at the practice of other courts, and particularly the S.R. Rota, for guidance.

Presumption: A conjecture about the truth in an uncertain matter. A presumption of law is one which is determined by the law. A presumption of marriage is one which is formulated by the judge based upon judicial experience. Generally, presumptions do not need to be proven but can be overturned by contrary evidence.

Probative value: The extent of credibility given to a particular piece of evidence as a means of proving something.

Procurator: An appointed delegate of a party to a case, to whom is committed the power of presenting documents and other proofs on behalf of the principal. See Advocate. In American tribunals the same person usually exercises the functions of both advocate and procurator on behalf of the party to the case.

Promoter of Justice: An officer of the court appointed by the bishop is required by law and whose function is to intervene in cases which may affect the public welfare. In marriage cases such an official would act as a surrogate Petitioner if one of the parties was legally barred from presenting a petition.

Proof: Objective evidence which gives rise to certainty about the existence of a particular fact or to a conviction about the correctness of a particular proposition. The term can be applied to the individual piece or pieces of evidence which gives rise to this certainty, or to the state of certainty itself.

Putative: The word is taken from the Latin verb “*putare*” and literally means “to think.” It applies to marriages which objectively are null but which are entered in good faith by at least one of the parties. See Marriage.

Quasi-domicile: A stable residence in a place for over three (3) months or a residence established in a place with the intention of remaining there at least three (3) months.

Ratum case: See Non-consummation case.

Rescript: The written document which conveys the granting of a privilege, favor or dispensation.

Respondent: Literally means the one who responds to something. In a marriage case, it refers to the other party to the marriage, the validity of which is being impugned by the Petitioner.

Rogatory Commission: A request by one tribunal made to another tribunal to obtain the testimony of a party or witness who is living in the jurisdiction of the latter tribunal. Ordinarily, the tribunal receiving such a request will sub delegate a priest or other staff member of the parish within whose boundaries the witness lives to contact the individual and obtain the testimony as a delegated auditor.

Rota, also Sacred Roman Rota, also S.R. Rota: A court established in the Vatican and possessing worldwide jurisdiction. Ordinarily it handles petitions in second or third instance, following a first instance decision in a lower court. However, the Rota possesses jurisdiction to try cases in the first instance no matter in which part of the world they originate.

Sanatio in radice: Literally means a “healing in the root.” It is a legal fiction whereby something which is invalid is, through the action of one empowered in law to do so, now made valid with retroactive effect; that is, it is now considered by law to be valid from the very beginning or at least from the time of cessation of the factor which caused invalidity in the first place. The term is most frequently found in relationship to marriages which are invalid for some reason. However, it will also be found in reference to rectifying the invalid processing of marriage cases.

Second instance: The term can mean either the second level court for a particular area or the second level process of a particular case which is appealed from a **first** instance decision (which see).

Sentence: The formal written decision in a particular case.

Signatura, also Apostolic Signature, also Supreme Tribunal of the Apostolic Signatura: It is the Church’s supreme court. It has jurisdiction over the workings of the Church’s tribunals, oversees their activities and obtains annual reports from them. It is the Roman dicastery which can grant competence (which see) to a tribunal that otherwise lacks jurisdiction to try a particular case. It will sometimes act as a court of second or third instance in a marriage, or other, case committed to it by the pope. The Second Section of the Signatura also is a judicial forum which tries cases involving administrative acts of Roman dicasteries in cases which are outside the jurisdiction of the ordinary court system.

Simulation: It literally means a lie. Church law presumes that a person's outward actions or words are an accurate reflection of the person's thinking and intentions. Where, in fact, this is not the case, simulation is said to be present. This most often occurs in marriage cases where one of the parties is alleged to have had an intention against children, permanence, or fidelity.

Solemn case: See Formal case.

Tempore non-suspecto: Literally means a “non-suspect time.” The term refers to information obtained at a time when the one who imparts the information does not have anything to gain by not telling the truth. It would refer, for example, to information given by one of the parties at a time before there was any question of petitioning for a declaration of nullity. Information obtained *tempore non-suspecto* is considered to have probative force.

Testimony: A statement given, either orally or in writing, by one of the principals to or by a witness in a case about the facts under dispute in the case. See Deposition.

Tribunal: A church court established to render judgment in judicial matters pertaining to ecclesiastical law. The ordinary church court system is competent in all matters except those pertaining to administrative acts. At times however even some judicial matters are reserved to tribunals of the Holy See.

Vagus: The canonical term referring to one who has no fixed abode.

Valid: Effective. It refers to the situation in law of an action performed in accordance with the law and recognized as producing the effects stipulated by law.

Validation: The process whereby a marriage which is invalid or null is rectified so as to be recognized from thence on as a valid marriage. The ordinary method in church law for producing this effect is for the parties to exchange consent in the presence of a duly delegated priest and two witnesses. The renewal of the consent in this case is a new act of the will to rectifying a marriage which the parties know to be invalid or null.

Vetitum: Literally means a prohibition and is sometimes referred to by that name. Canon 1077, n. 1, of the code gives the local ordinary the power to order that a marriage be delayed for a fixed period if there is a good cause and so long as the cause exists. The prohibition does not have an invalidating effect. Therefore, if the marriage is entered in spite of the *vetitum* it enjoys the presumption of Canon 1060, that is, it is presumed to be valid until the contrary is proved, that it is illicit or unlawful. A tribunal also possesses the power to impose a *vetitum* as part of the process of a marriage case, but under the same restrictions as those for a bishop in an administrative matter.

Virtual intention: One that is not formed explicitly but is contained by implication in a particular thought-process or action as controlling the thought or action.

Votum: Literally means “will” or “wish.” There are three common uses of this term.

1. It refers to the document which the bishop is required to submit to Rome with each petition for a dissolution of a marriage in favor of the faith or on the basis of non-consummation. The norms for processing these cases indicate the areas the *votum* should address, including a statement by the bishop as to his recommendations on the petition.
2. The term is also used to refer to the statement which the judge-instructor on such cases submits in order to make his recommendations known.
3. The term also applies to the written opinion which each member of a collegiate tribunal is required to bring to the discussion by the judges preliminary to their making a decision.

Synod of Bishops
American Catholic Church in the United States
Statement Concerning the Abuse of Minors

The news media in recent weeks has brought to our attention numbers of times where children, minors, have been sexually abused in the past by priests. It is important that we in the American Catholic Church in the United States (ACCUS) address this issue and make clear the position and policy of the ACCUS.

First though, we express our profound sorrow and our horror that any priest or religious in any church would violate the innocence of children placed in their care. This is a travesty of faith and trust that ought never to have happened or to have been allowed to continue in any way. As shepherds and pastors our hearts go out to these children and to their families. We pray for their wellbeing and for their healing and growth.

Law, rules, regulations or policy can never legislate the maximum good. As we interact as social beings, well-formulated laws serve to identify basic values and to safe guard public order. Society and the ACCUS value the personal rights and basic freedoms of children to be unmolested and un-abused.

The American Catholic Church in the United States shall have, and does herewith state that it does have, a Zero Tolerance for any of its clergy or religious who abuse minors in any way: sexually, physically or emotionally. The Council of Bishops of the ACCUS has adopted this policy and will enforce it throughout the jurisdiction of the ACCUS without exception.

The ACCUS encourages all its members to report to competent local authority(s) any suspected instances where children are being abused: sexually, physically or emotionally.

The ACCUS formally charges its priests, deacons, bishops, religious and candidates for Orders to report to competent local authority(s) any suspected instance where children are being abused: sexually, physically or emotionally, in all instances where this knowledge is known to them in a public way. Priests or Bishops who have knowledge of abuse known to them from within a Sacramental forum, that is, known to them through the Sacrament of Penance, must maintain the absolute private and sacred nature of the Seal of Confession. The Sacramental Seal of Confession must be maintained inviolate; nothing heard or learned of within the Sacrament may be repeated.

Any cleric (deacon, priest, and bishop), religious or candidate for Orders, who is accused by competent civil authority of molesting a minor, in any way, will be immediately suspended from ministry pending the review and resolution of these charges by competent civil proceedings.

Any cleric, religious or candidate for Orders, who is found guilty by competent civil proceedings of abusing a minor, will be permanently suspended from ministry and defrocked by the ACCUS. No recommendation. to another church jurisdiction will be given without including these facts.

No person known to the American Catholic Church in the United States to have been found guilty by competent civil proceedings of molesting a minor will be accepted into the ACCUS as a cleric or religious.

Most Rev. Lawrence J. Harms, D.O. Bishop, Diocese of the Holy Cross Presiding Archbishop of the ACCUS

Most Rev. Michael B. Norton, D.O. Bishop, Diocese of Saint Luke
March 6, 2002