

## SECOND EDITION OF *INDEX ANALYTICUS* CCEO IN ENGLISH TRANSLATION

---

George Nedungatt SJ\*

Being associated with, first as a student and then as a collaborator in the codification process of CCEO, George Nedungatt pays a fitting tribute to his own professor and confrere, Ivan Ćirković, S. J, in this review article. He highlights how Prof. Ćirković whose *Index Analyticus Codicis Canonum Ecclesiarum Orientalium* in an updated version was included in the CLSA Translation (2001) but not stated so. The Indian reprint published by Theological Publications in India in 2003 mentioned the name of Ćirković as the author of the *Index*. He treats: 1. Inculturation in the Eastern Code; 2. The First Edition of the *Index Analyticus*; 3. *Index Analyticus* in Second Edition; 4. Ivan Ćirković a Great Canonist; 5. Charisms in the Eastern Code.

### Introduction

The revised translation of the *Code of Canons of the Eastern Churches* published by the Canon Law Society of America in 2001 had incorporated the second edition of the *Index Analyticus Codicis*

---

\*George Nedungatt, born in 1932, Kerala, India, was ordained a priest in 1964, in the Society of Jesus. He holds licentiate in Philosophy and Theology. He took doctorate in Oriental Canon Law from PIO, Rome in 1973. He served as the Dean, Faculty of Canon Law at PIO, Rome; Consultor of various commissions like Pontifical Commission for the Revision of the Eastern Canon Law, Special Commission of Liturgy of the Congregation for the Eastern Churches, Rome, the Pontifical Council for the Interpretation of Legal Texts, Rome, and the Congregation for the Causes of Saints; Editor of *Kanonika* (1991-2012) and is Delegate to the IOCL at DVK, Bangalore, India since 1999. He was the president of the Apostolic Process Tribunal, Palai, for the beatification of Sr. Alphonsa. Since June 2012 he serves at IOCL, DVK, Bangalore as a full time Professor Emeritus.

*Canonum Ecclesiarum Orientalium*<sup>1</sup> and it was republished in an Indian edition by the Theological Publications in India in 2003.<sup>2</sup> It may be interesting to inquire about its fortunes ten years after the publication of the latter. It is indeed a faithful reproduction of the CLSA edition except for the addition on the front cover and on the inside title page: "A New English Translation with an Index by Ivan □u□ek, S.J." This addition had been stipulated as a necessary condition when I gave permission as editor of *Kanonika* to the president of the Theological Publications in India, Fr. Joseph Pathrapankal, CMI, to reprint the *Index Analyticus* in English translation. Father □u□ek was more satisfied with the Indian reprint than with its CLSA original, which had not indicated him clearly as the author of what was included in it simply "Index." However, even in the Indian edition the author's name is not given before the text of the "Index," so that it risks being taken for the work of some anonymous committee or writer, unless turns back to the front cover or the title page of the volume to find the author. Understandably, the Indian editor did not feel free to make more modifications in what was to be only a republication. The omission of due mention of the true author not only hurt the author but has done disservice to the cause of scholarship.

The Indian edition of the revised English version of the Eastern Code with the *Index Analyticus* incorporated is currently in use as the standard text for the teaching of Eastern canon law in India. It is used in Eastern Catholic major seminaries and especially in the Institute of Oriental Canon Law of Dharmaram Vidyakshetram, Bangalore, – the only one of the kind in the world – aggregated in 1999 to the Faculty of Canon Law of the Pontifical Oriental Institute, Rome, which issues the degree of licentiate to students who have successfully completed a curriculum of a three-year licentiate. But the older and outdated Indian edition of the English translation of the Eastern Code is still holding out in a few other places like certain generalates of religious institutes, as I was surprised to find out recently. It may be recalled that the first CLSA edition of the Eastern code in English translation had been reprinted in India in the same

---

<sup>1</sup> *Code of Canons of the Eastern Churches. Latin-English Edition. New English Translation*, Canon Law Society of America: Washington DC, 2001.

<sup>2</sup> *Code of Canons of the Eastern Churches. Latin-English Edition. New English Translation With an Index by Ivan □u□ek, S.J* (Theological Publications in India: Bangalore) 2003.

year by the Oriental Institute of Religious Studies, Kottayam, in 1992.<sup>3</sup> This edition is still used by some not only because of the force of inertia but due to failure to present the second edition properly in journals and periodicals. A third factor is the lack of savvy advertising and efficient marketing, a traditional defect of book-making in India, which the country is overcoming only slowly under the impact of the savvy Western marketing.

### 1. Inculturation in the Eastern Code

In a recent scholarly article entitled "Inculturation in the Eastern Code" Jobe Abbass states that whereas "culture" is not mentioned at all in the 1983 Code of Canon Law of the Latin Church, it is mentioned twenty times in the 1990 Code of Canons of the Eastern Churches, although twice (cc. 536 §1 and 559 § 2) only implicitly.<sup>4</sup> The eighteen canons which mention culture explicitly are the following: 28 §1, 347, 349 §1, 350 §1, 471 §1, 584 §2, 588, 589, 592 §1, 601, 603, 622 §1, 626, 634 §1, 634 §1, 634 §3, 640 §1, 647 §1, and 783 §1, 1°. All these twenty canons are indicated under the headword "culture" in the above mentioned "Index" in the revised edition of the Eastern Code published in 2001 by CLSA and republished in India in 2003. But along with several other headwords "culture" had been overlooked in the first edition of Ivan □u□ek's *Index Analyticus CCEO*.<sup>5</sup>

Inculturation is currently a favourite topic in Christian circles in India. Inculturation in theology, inculturation in liturgy, in spirituality, in religious life, etc. are much written about. But inculturation in canon law? It was practically unheard of till the appearance of the above mentioned article. When I made mention of this article recently in the generalate of a religious congregation, to an expert on inculturation wrinkled her nose in disbelief and produced from the shelf the Kottayam edition of the Eastern Code and the *Index Analyticus* of Ivan □u□ek, both published in 1992. "I

---

<sup>3</sup> *Code of Canons of the Eastern Churches*, English translation of the *Codex Canonum Ecclesiarum Orientalium*, published by the Canon Law Society of America, Catholic University of America, Washington, D.C., 1992. Reprint by Oriental Institute of Religious Studies, Kottayam, Kerala, India.

<sup>4</sup> *Journal of St. Thomas Christians* 23 (2012) 94-130. This issue combines nos. 2, 3 and 4 and was published at the end of December 2012.

<sup>5</sup> Ivan □u□ek, *Index Analyticus Codicis Canonum Ecclesiarum Orientalium* (Kanonika 2), PIO, Rome, 1992.

have checked “inculturation” and “culture” in this *Index Analyticus* and did not find either of them,” she said. I told her that she was quite right but that she was using the first edition of both the works, which had gone into second editions. “Well, is it worth buying the revised English translation of CCEO for certain niceties of language? As regards Ivan Ćirković’s *Index Analyticus* I can manage it with my non-Ciceronian Latin. But you speak of its second edition. It is news to me.”

I had to explain that as regards the second edition of the English translation of the Eastern code, there was more than niceties of language. The first CLSA edition in 1992 had the merit of being the first translation of CCEO to appear in any language. The versions in Italian, Arabic, Ukrainian, Croatian, Spanish, French, German, etc. appeared only later. But the English translation had been done hurriedly and contained many inaccuracies or errors. I indicated quite a few of them in an article I published in an American journal of canon law.<sup>6</sup> Later, incorporating that article I brought out an entire book entitled *A Companion to the Eastern Code* (Kanonika 5), which was jointly published from Alwaye, Rome and Brooklyn.<sup>7</sup> In it I showed that 881 out of a total of 1546 canons of the Eastern code had been rendered defectively in the 1992 English translation. And many corrections I suggested in my book *Companion* were later taken over and incorporated in the new translation of the *Code of Canons of the Eastern Churches*, Latin-English Edition, published by the Canon Law Society of America in 2001. To illustrate: of the first *thirty* canons of the Eastern code *eighteen* canons (1, 4, 6, 7, 9, 10, 11, 12, 13, 17, 18, 19, 20, 21, 24, 25, 28 § 1; 29) have been corrected in the new English translation mostly following the corrections I pointed out in my *Companion*, often borrowing textually. This can be illustrated with an amusing case in which I myself slipped into error inadvertently in my *Companion*. I had translated canon 11 “... owing to this *dignity*” instead of the correct “*equality*.” The same lapse occurs in the revised CLSA English translation of the Eastern code of 2001, which does not

---

<sup>6</sup> George Nedungatt, “The Eastern Code in English Translation: *Errata Corrige*,” *The Jurist* 51 (1991) 460-501. This number was actually published in 1993.

<sup>7</sup> George Nedungatt, *A Companion to the Eastern Code: For a New Translation of Codex Canonum Ecclesiarum Orientalium*, STAR Publications, Saint Thomas Academy for Research: Alwaye, 1994; jointly published as *Kanonika 5*, Edizioni Orientalia Christiana, Pontifical Oriental Institute, Rome, 1994; also by Saint Maron Publications, Brooklyn, New York.

mention my *Companion*. However, my name appears in the foreword as follows. "At the discretion of the chairperson, Becket Soule, O.P. and George Nedungatt, S.J. were requested to serve as consultants of the committee." The chairperson of the two-member committee for the revision of the English translation of CCEO was Chorbishop John D. Faris, the other member of the committee being Jobe Abbass, O.F.M. Conv., both former students of mine and best overseas friends. Whatever use they have made of my *Companion* I regard as consulting me. Of the 881 corrections or improvements I had proposed most have been taken over or integrated in the revised new translation of the Eastern code published in 2001. This edition is definitely an improvement on the first edition, although it still contains some inaccuracies apart from the "dignity/equality" mentioned before, but we need not go into them here.

## 2. The First Edition of the *Index Analyticus*

The matter is somewhat different as regards Ivan □u□ek's *Index Analyticus CCEO* originally published in the series *Kanonika* in 1992. A revised or second edition of it was published in English translation as "Index" in the new 2001 CLSA translation of the Eastern code, about which we shall speak later. First of all, let us note that an analytical index differs from an ordinary index included at the end of a scholarly work. This latter kind of index is only a means to find the page(s) where occurs a particular headword or term one looks for, hence it is a mere *indicator* or a page-finder: such, for example, are the indexes of texts cited from the Bible, of names of authors, of places, etc. On the other hand an analytical index serves as an *instructor*, a guide or resource to ascertain the full meaning of a headword when used in various contexts. In other words, there is a real difference between a simple *index* (a list of names or topics contained in the book usually arranged at the end in alphabetical order) and an *analytical index* (a list of topics providing basic information as a help to scientific analysis of the subject).

There are some significant differences between the analytical index of CIC-1983 and that of CCEO. First, in the case of CIC-1983 the "Index Analyticus" was published as an appendix (like that of CIC-1917) to the text of the canons of CIC,<sup>8</sup> whereas □u□ek's *Index*

---

<sup>8</sup> Pontificia commissio *Codici iuris canonici* authentice interpretando, *Codex Iuris Canonici fontium annotatione et indice analytico-alphabetico auctus*, (Vatican: Libreria Editrice Vaticana), 1989. "Index analytico-alphabeticus," pp. 531-653.

*Analyticus* was published as a separate book, hence not appended to the text of CCEO. Secondly, whereas the “Index Analyticus” of CIC-1983 was the work of a commission, and hence anonymous, the *Index Analyticus* of CCEO was the work of one man, Ivan Štjek. As the architect of the Eastern code he knew it better than anyone else and was the person best placed to make an analytical index. Thirdly, unlike the “Index analyticus” of CIC Štjek’s *Index Analyticus* carried a foreword (by Archbishop Vincenzo Fagiologo, president of the *Pontificium consilium de legum textibus interpretandis*), which commended and extolled the work: “melior Index difficillime desiderari et confici poterat” (it is scarcely possible to think of or make a better Index). Fourthly, Ivan Štjek stated in the preface that the *Index Analyticus* of CCEO was his personal work (“opus meum privatum”) and that he alone was responsible for the choice of the headwords and for the layout of the whole work. He dedicated it to “Beatissimae Mariae semper Virgini, Auxiliatrici Christianorum, Sloveniae Reginae.” Fifthly, whereas the “Index analyticus” of CIC was an official publication of the Holy See, the *Index Analyticus* of Ivan Štjek was no official publication but that of the Pontifical Oriental Institute, Rome: as such it was but a publication by a scholar like the other volumes in the series *Kanonika* of the Faculty of Canon Law. Like its 1989 counterpart “Index analyticus” of CIC it was in Latin, the language of CCEO. Both had followed the well-established model set by the jurists, authors and commentators of the decretals and of the collections of the *Corpus Iuris Canonici*.

Štjek’s *Index Analyticus* was widely welcomed and praised as a masterpiece. However, a few important headwords of CCEO like “cultura” and “charisma” were missed by the author. One may wonder how this could have happened with such a competent and meticulous writer. Probably in assembling headwords for his *Index Analyticus* he followed the lead of the “Index Analytico-Alphabeticus” of CIC, which was only natural to do. This work does not feature either “charisma” or “cultura,” and several other headwords like *myron*, *protopresbyter*, *typicum* and *cultura*, which are proper to CCEO and do not occur in CIC. Father Štjek missed out on them probably by following this Latin lead.

I wrote a review of □u□ek's *Index Analyticus* in the journal of the Pontifical Oriental Institute, *Orientalia Christiana Periodica*.<sup>9</sup> In it I praised this great work of □u□ek but also noted that he had overlooked "charisma" along with some other headwords like "cultura" and "myron," which occur in the Eastern code. I just happened to remember that these terms were to be found in CCEO, since as the Relator of the study group *De Clericis et de Magisterio Ecclesiastico* I had myself formulated the canons containing the words "charisma" and "cultura." Indeed "charisma" is used only once in CCEO, that is in can. 381 § 3, and as such it may be called a *hapax legomenon*. I regretted that it was not included among the headwords of the *Index Analyticus*. Before publishing my review of his work I mentioned the matter to Father □u□ek out of courtesy to my former professor, current colleague and next door neighbour. He thanked me and recognized his oversight readily and humbly. Immediately he set to work to ascertain whether there were other such missed headwords. And he found a few. He also followed attentively the reviews of his *Index Analyticus* which were then starting to appear in various journals of canon law. As a service to his readers and the students of canon law he wanted to make good his oversight.

### 3. *Index Analyticus* in Second Edition

In 1994 Ivan □u□ek published a supplementary note to his *Index Analyticus* as a short article entitled "Aggiunte all'indice analitico del CCEO" (in Italian: "Additions to the *Index Analyticus* of CCEO") in *Orientalia Christiana Periodica*.<sup>10</sup> In it he mentioned not only the three headwords I had pointed out in my review (*charisma*, *cultura* and *myron*) but also some other headwords he had missed. He listed a total of twelve missed headwords or *lemmata*. They are: *assensus*, *charismata*, *cultura*, *dispensator*, *districtus*, *myron*, *praecedentia*, *protopresbyter*, *subditus*, *subiectio*, *subiectum*, *typicum*. In his article he also indicated some minor corrections and gave a few additional references to canons for the headwords which he had already listed in his *Index Analyticus*. Thus his short article of five pages mentioned above became effectively a supplement to his *Index Analyticus*. He concluded by inviting further suggestions from his readers "in view

---

<sup>9</sup> George Nedungatt, review, "Ivan □u□ek, *Index Analyticus Codicis Canonum Ecclesiarum Orientalium* (Kanonika 2, Rome: Pontifical Oriental Institute, 1992)," in *Orientalia Christiana Periodica* 58 (1992) 591-593.

<sup>10</sup> Ivan □u□ek, "Aggiunte all'indice analitico del CCEO" *Orientalia Christiana Periodica* 60 (1994) 635-639.

of a future second edition of this *Index* (in vista di una futura seconda edizione di questo *Indice*)." Note that he was already thinking of a second edition of his *Index Analyticus*. When he got offprints of his article "Aggiunte..." he passed one on to me with a courteous note in Italian: "Caro Giorgio, suggerisco ritagliare al formato dell'*Index* e incollare nel libro stesso (Dear George, I suggest that you cut the offprint to suit the size of the *Index* and paste it in the volume itself)." He was not only grateful but meticulous about practical details, indeed a perfectionist.

He continued to check the text of CCEO and to gather further suggestions in view of his project of a second edition of his *Index Analyticus*. On 4 June 1994 he passed on to me a one-page note, in which he acknowledged gratefully some further suggestions I had made in the meanwhile, like the addition of the headword "dispensator" (cann. 197, 1008 § 1) not mentioned either in the *Index* or in the above mentioned OCP article "Aggiunte." It is now included in the second edition. It is rendered in the English translation with "dispenser" and "steward" respectively, both meaning the same. It does not mean one who has authority to dispense from a law but has the stewardship of the mysteries of God entrusted to the Church, or of the temporal goods of the Church. Another such suggestion he accepted with thanks ("Caro Giorgio, grazie...") was the addition to the entry on "Pastores" (*Index*, p. 244) "debent orare et allaborare pro unitate Ecclesiae, can. 902)." There are other such entries in my copy of the *Index Analyticus* as well as on some loose sheets scribbled by Father □u□ek and passed on to me, which witness to his minute revision of the *Index Analyticus* in view of a second edition.

Indeed, the project of a second edition was in his mind ever since 1994, two years after its publication. But practical reasons hindered its immediate realization. One such reason was that the first edition of the *Index Analyticus* was not yet sold out. And being in Latin the work could not be expected to be sold out rapidly like a best seller. Father □u□ek's project of a second edition had therefore to wait. Before long, however, an occasion presented itself to publish it outside the series *Kanonika*. And he availed himself of it gladly. But the second edition of his *Index Analyticus* was published in a manner that slipped out of his control shrouding his authorship in obscurity.

The Canon Law Society of America (CLSA) decided to bring out a revised or second edition of the Eastern code and to include in it an English translation of Ivan □u□ek's *Index Analyticus* as an appendix.

As the editor of *Kanonika* I received an official request from the president of CLSA for the required permission. I told Father □u□ek about it. He was happy that his project for a second edition of his *Index Analyticus* could thus be realised although in a manner different from his own plan for a second Latin edition to be published in the series *Kanonika* (like the second edition of Joseph Prader's *Il matrimonio in Oriente e Occidente*, *Kanonika* 1). Indeed, he was glad that his *Index Analyticus* in English translation could be foreseen to have a wider circulation than in the Latin language, given the actual spread of English worldwide. And so he prepared the matter for the second edition of the *Index Analyticus* like the above mentioned OCP article ("Aggiunte") and subsequent unpublished additions and further notes and indications. When permission was given for the translation of the *Index Analyticus* into English the integration of the "Aggiunte" and of the other subsequent additions was also expressly stipulated.

I remarked to Father □u□ek, "So, together with the new CLSA English translation of the Eastern Code your *Index Analyticus* will be appearing in a revised or second edition." And he answered, "Yes, the English translation will be the second edition of the *Index*. And it will be the standard *Analytical Index* of the Eastern Code for the future." And he was quite happy at the prospect.

The revised English translation of CCEO published by the Canon Law Society of America (CLSA) in 2001 was a substantial volume of 902 pages containing the text of the Code of Canons of the Eastern Churches in Latin and English on opposite pages (pp. 3-536), Index (539-728), Table of Corresponding Canons (729-749), three appendices including *Pastor Bonus* (751-860). A footnote on p. 729 states that the Table of Corresponding Canons is the work of Victor J. Pospishil "with minor corrections and editing by Francis J. Marini." But there is no such declaration about the author of the "Index," a work of 375 pages in the original Latin that had been incorporated in English translation with subsequent additions. Consequently the reader is led to regard the "Index" as the work of those who translated the code or of an anonymous committee or other done under their responsibility.

Surprisingly enough, the "index" in the new 2001 CLSA translation was published without proper identification of its real author. There is indeed the following statement in the foreword to the volume in the front matter (p. xvi): "Becket Soule, O.P. prepared an extensive analytical index based on Ivan □u□ek, S. J.'s *Index Analyticus Codicis*

*Canonum Ecclesiarum Orientalium.*” But there is no full bibliographical reference. It would seem that this is but the bare acknowledgement of Becket’s debt as the author (“based on”) to another author, following the usual stylesheet of writers. If □u□ek was to figure clearly as the author of the “Index,” this could and should have been made clear along with the title of the work itself, as would be done in the 2003 Indian edition. At least □u□ek’s name should have been printed before the beginning of the text, as was done in a footnote for Victor Pospishil, who composed the Table of Corresponding Canons (pp. 729-749). Instead the foreword gives to understand that the author of the Index is Becket Soule, O.P., who “prepared an extensive analytical index based on Ivan □u□ek, S. J.’s *Index Analyticus.*” This was certainly not the intention of the foreword, as was made clear subsequently by John D. Faris, who published an apology in *The Jurist* in 2005, as follows.

Because of an imprecision in the Foreword to the 2001 English translation of the *Codex Canonum Ecclesiarum Orientalium* (p. XVI), it is necessary to acknowledge clearly that Rev. Ivan □u□ek, S. J. is the author of the *Index Analyticus Codicis Canonum Ecclesiarum Orientalium*, which was translated by Rev. Becket Soule, OP and published as an index to the work (pp. 529-728). On behalf of the editorial work, I offer apologies to Father □u□ek for the inaccuracy and gratitude for his monumental work....<sup>11</sup>

Indeed, Faris had apologised to Father □u□ek in person privately much before publishing this written apology. Ivan □u□ek, however, did not live to read this published apology and explanation. He died on 31 January 2004 all too unexpectedly while he was out in the countryside on a picnic, alone in the midst of nature, his regular weekly haunt for rest and relaxation. Probably he had a heart failure. He would have completed 80 years that year on 2 September. It may be mentioned here that preliminary steps had already been taken to publish a Festschrift in his honour, which has been postponed for the

---

<sup>11</sup> Ivan □u□ek, SJ, “Updated Edition of the *Index Analyticus Codicis Canonum Ecclesiarum Orientalium*,” *The Jurist* 65 (2005) 205-214. The apology of Faris is contained in a prefatory note on p. 205. That Ivan □u□ek was the author of the *Index Analyticus* was well-known since 1992 and needed no re-statement in 2004. What needed to be clearly stated was that Becket Soule translated Ivan □u□ek’s work in updated *second edition*. This □u□ek himself did in his article.

tenth anniversary of his death, which will be in 2014. The Festschrift will hopefully make more fully known, understood and appreciated Ivan □u□ek as a great charismatic canonist.

#### 4. Ivan □u□ek a Great Canonist

Ivan □u□ek's great contribution to Eastern canon law was universally recognized during his life. The President of the Canon Law Society of America, the Very Reverend John A. Renken, stated in a letter which he wrote to me on 8 October 1999 to thank me for the permission I gave as editor of *Kanonika* to publish an English translation of Ivan □u□ek's *Index Analyticus* appended to the Canon Law Society's new translation of the CCEO: "The tremendous contribution of Father □u□ek will be available to English-speaking canonists. How grateful so many others will be, too!"

The first edition of the *Index Analyticus* of Ivan □u□ek had been widely acclaimed as a scholarly work and indispensable future resource. For example, His Eminence Zenon Cardinal Grocholewski, outstanding canonist himself and prefect of the Congregation for Catholic Education, called it a masterly work.<sup>12</sup> Grocholewski also praised □u□ek as follows in the foreword he wrote for another of his magisterial works, *Understanding the Eastern Code*: "A first rate specialist in Eastern canon law, ... a serious scholar of great depth."<sup>13</sup> This work is a selection of □u□ek's articles. It is the third and last of his published books, the first being his doctoral dissertation *Kormcaja Kniga* on the Russian canon law published in the series *Orientalia Christiana Analecta* (1964). Indeed, Ivan □u□ek published very few books on canon law (in fact only three) like his teacher Emil Hermann, S.J., also a first rate scholar who specialised on Eastern canon law and was one of the three brains behind the former partial Eastern code, the *Codex Iuris Canonici Orientalis* (1949-1957). The publications of Herman and □u□ek are scattered in diverse journals, periodicals and collective works, which are not easily accessible. Noting this difficulty I suggested to Father □u□ek that, if he made a choice collection of his articles, I would gladly publish it as a book in the series *Kanonika*.<sup>14</sup> I told him that such a publication would be a

---

<sup>12</sup> *Monitor Ecclesiasticus* 97 (1992) 555-556.

<sup>13</sup> Ivan □u□ek, *Understanding the Eastern Code* (*Kanonika* 8), Rome, 1997.

<sup>14</sup> A similar collection of Emil Hermann's scattered publications would help very much the understanding of the remote historical, juridical

great help for many to acquire a correct understanding of the newly promulgated Eastern code. He liked the idea and set to work immediately. He chose sixteen of his studies, got the necessary permission from the publishers to republish them and brought to me the whole material in a folder. He did not want to write a Preface or make any changes in the contents by way of correction or updating in the manner of the well-known series of *Variorum* reprints. I wanted to keep to the format of *Kanonika* and not adopt that of *Variorum*, which maintains the original print and pagination unchanged with the unavoidable lack of typographical uniformity. □u□ek himself had done the whole computer work and got ready the volume for the press. There was no title. I asked him what title he wanted to give to his collected studies. Apparently he had not determined it. Or did he want me to find one? In 1990 when I proposed the starting of a new series of publications of the Faculty under the title *Kanonika*, he welcomed both the proposal and the title. This time I proposed for his book the title, *Understanding the Eastern Code*. And he liked it, too. It was published in 1997, a unique reference for anyone who wants to make a close study of CCEO and understand it properly and more fully.

So will also his *Index Analyticus* in English translation be appreciated as a very useful resource especially when it is known that what was published as "Index" of the new English translation of CCEO in 2001 by the CLSA was in fact the revised or second edition of Ivan □u□ek's Latin *Index Analyticus*. Its usefulness, especially to students, would have been even more if it included a glossary of corresponding English terms to the original Latin terms of the code. While even beginners can get to "cultura" from "culture" and to "charisma" from "charism," the matter is not so simple with some other head words. For example, not all will have it easy who proceed from the Latin text and want to find the English equivalents of headwords like *cessatio*, *cessio*, *coartatio*, *conatus*, *coniugicidium*, *consociatio*, *correptio*, *culpa*, *curatela*, to illustrate only with a few words with the initial letter "c" in the Latin first edition of the *Index Analyticus*. The same may be said about the reverse procedure.

---

and cultural background of CCEO. Such a collection would best be made by a scholar who can handle German, Latin and Italian, the three languages in which Hermann wrote mostly. In fact I made this a proposal to such a person even before *Kanonika* published □u□ek's *Understanding the Eastern Code*. The proposal was readily accepted but had the lot of the answer of the second son to his father in Jesus' parable of the two sons (Mt 21:28-31).

“Dispensator” (cann. 197, 1008 § 1), for example, is rendered in the English translation with “dispenser” and “steward,” both meaning the same. Hopefully, such defects of the second edition will be attended to in a future third edition of the *Index Analyticus*.

To that end will serve also the above mentioned article published in *The Jurist* in 2005. But since subscription to this journal in India is limited mostly to major seminaries and two institutes of canon law, and since most individual canonists cannot afford to subscribe to the journal or even have access to it, I hope this review article will help to update them. The point is illustrated by the anecdote I mentioned above regarding the interest in “culture” and “inculturation” in CCEO. Another such test case is “charism.”

### 5. Charisms in the Eastern Code

Like the interest evoked in India by “culture and “inculturation” there is another word that arouses post-Vatican interest universally, “charism.” James A. Coriden of Washington Theological Union and co-editor of the noted commentary on the Code of Canon Law published an interesting study entitled “Actions of the Holy Spirit in the Church” dealing with the place assigned to the Holy Spirit in the two codes in comparison with the documents of the Second Vatican Council.<sup>15</sup> Whereas at the Council of Trent (1545-1563) and at the First Vatican Council (1870), says Coriden, the Holy Spirit was assigned a low profile, the Second Vatican Council (1962-1965) spoke amply of the Holy Spirit giving due prominence to his charisms. And in the half century following this council Catholic theology and spirituality have increasingly underscored the role of the Holy Spirit and his charisms in Christian life. It is natural, therefore, to ask whether this is reflected in the two post-Vatican codes, the Latin CIC (1983) and the Eastern CCEO (1991), which have been referred to as the last two documents of the Second Vatican Council by the poet pope Blessed John Paul II. Do these two codes keep up with the council concerning the Holy Spirit?

At an international symposium held on the occasion of the tenth anniversary of the entry into force of the Eastern code (Rome, 19-23 November 2001), Prof. Coriden presented a paper in which he

---

<sup>15</sup> James A. Coriden, “Actions of the Holy Spirit in the Church,” in: *Ius Ecclesiarum, Vehiculum Caritatis: Atti del simposio internazionale per il decennale dell’entrata in vigore del Codex Canonum Ecclesiarum Orientalium, Città del Vaticano, 19-23 novembre 2001*, (Vatican Press 2004) 693-702.

observed that the two codes have failed in the test. In his paper he says that CIC with a total of 1752 canons mentions the Holy Spirit explicitly only 7 times, while CCEO which has 1546 canons in all mentions the Holy Spirit 17 times. Thus quantitatively the Eastern code gives “much greater recognition to the actions of the Holy Spirit” than does the Latin code: for it mentions the Holy Spirit 10 times more (17 vs 7), although it contains numerically 206 fewer canons. Nevertheless, according to Coriden, this is still relatively insufficient in the light of the prominent place the Holy Spirit occupies in the Eastern theological tradition. Coriden concludes that on the whole the two codes fail to give to the Holy Spirit his due. In particular Coriden observes: “It is astonishing that the words ‘charism’ and ‘charismatic’ do not appear in either of the Codes.”<sup>16</sup> Since “charism” means “gift of the Holy Spirit,” obviously not to speak of charism is to ignore the Holy Spirit. It is regrettable, concludes Cordien, that the two codes of canon law of the Catholic Church are not seen in proper relation to the Holy Spirit.

Indeed, the Second Vatican Council was very attentive to the Holy Spirit and spoke of “the right and the duty” of “everyone of the faithful” to exercise their “charisms” (AA 3). And the post-Vatican project of *Lex Ecclesiae Fundamentalis* (LEF) mentioned “charisms” in its preamble (*prooemium*). However, as Coriden notes, “charism” fell through with the final collapse of the *LEF*; and it is not found in the Latin code, although this word had figured in the draft on the Institutes of Consecrated Life discussed by the Latin code commission. But during the revision of this draft “charism” was dropped to the chagrin of a great expert on consecrated life, Jean Beyer, S.J., of the Faculty of Canon Law, Pontifical Gregorian University, Rome. In the end the Code of Canon Law came out in 1983 without “charism.”

As regards the Eastern code it did not presume to include the discarded “charism” in Title XII on Monks and Other Religious. However, elsewhere in CCEO “charism” does figure in this code, a point which Coriden failed to note, probably because the first edition of Ivan □u□ek’s *Index Analyticus* had missed it. Canon 381 § 3 enjoins on clerics the duty to acknowledge the manifold *charisms* of the laypeople: In the Latin original, “Clerici laicorum dignitatem atque propriam partem ... agnoscant et promoveant praesertim

---

<sup>16</sup> J. Coriden, “Actions,” p. 694, note 1.

charismata laicorum multiformia probantes.” This canon has been rendered into English as follows:

“Clerics are to recognize and promote the dignity of lay persons and the specific role they have in the mission of the Church, especially by acknowledging the manifold charisms of lay persons and by directing their competence and experience for the good of the Church, especially in ways foreseen by the law.”<sup>17</sup>

Only in this canon does the word charism occur in CCEO, a *hapax legomenon*, to use a term used by biblical scholars. However, since charisms are essentially gifts of the Holy Spirit, we can say that CCEO mentions the Holy Spirit 18 times rather than 17 times in Coriden’s count, although in one case not expressly but only implicitly in speaking of charisms. Now, while agreeing with Coriden that the two codes of the Catholic Church do not assign to the Holy Spirit his rightful place, it needs to be said that Coriden is not entirely in the right in his assessment of the Eastern code, which does contain the word charism, albeit only once. One may wonder how Prof. Coriden could have missed out on “charism” in the Eastern code. Surely he checked the *Index Analyticus* of both the codes but presumably he did not consult the second edition of Ivan □u□ek’s *Index Analyticus*, published in 2001 the same year as his conference. But apparently he had overlooked also the above mentioned article “Aggiunte...”, which □u□ek had published earlier in 1994.

### Conclusion

Concluding this short review article, in which I have focused on two headwords “culture” and “charism” in the Eastern code to illustrate the usefulness and importance of the second edition of the *Index*

---

<sup>17</sup> *Code of Canons of the Eastern Churches*, Latin-English Edition, New English translation (Canon Law Society of America: Washington DC) 2001 = (TPI: Bangalore), 2003, p. 153, can. 381 § 3. It may be noted that “probare charismata” is used with reference to “the testing (or discernment) of spirits,” thus echoing the NT directive: “Beloved, do not believe every spirit, but test the spirits to see whether they are from God” (1 John 4:1). This “testing of spirits” is implied in CCEO canon 381 § 3 but its translation “acknowledging” does not render exactly this idea of testing or *the discernment of spirits* contained in above cited NT source, which is needed to recognize the genuineness of charisms.

*Analyticus CCEO* of Ivan ŹuŹek, let me refer to a truth that was brought home to me today. I told Cardinal Zenon Grocholewschi that I was publishing an article about this work of ŹuŹek. He asked "A second edition of ŹuŹek's *Index Analyticus*? published when? by whom?" It is understandable that in the ambiguous circumstances described above even such an eminent canonist, much interested in Eastern canon law too, did not know that a revised *second* edition of his friend's *Index Analyticus CCEO* existed. The origin of this revision lay in the humility with which ŹuŹek accepted constructive criticism that he had missed out on *charisma* and *cultura* and some other headwords. That was the starting point of a revision which culminated in the second edition of his *Index Analyticus* published along with the revised English translation of CCEO by the Canon Law Society of America in 2001 and republished by the Theological Publications in India in 2003. Today, ten years after this latter publication, it still needs to be known better that a revised *second* edition of of Ivan ŹuŹek's *Index Analyticus CCEO* exists. This has remained the best kept secret of canon law publications of the last decade. Without offence to anyone, truth needs to be told and justice needs to be done to the memory of Ivan ŹuŹek, a great and charismatic canonist.