

Editorial

**PROFESSOR GEORGE NEDUNGATT SJ:
A JÑĀNAYOGI* LEARNING NEW LESSONS OF
CANON LAW EVERYDAY**

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Editor-in-Chief

Professor George Nedungatt, an eminent Jesuit religious priest, and a visionary canonist carved his own niche in the world of renowned canonists of the universal Church. He was a constant learner, even at the fag-end of his life, on Scriptures, Theology, and the Codes of Canon Law. He stood for Canon Law's values, whether from the West or the East in the Church, and argued in the national and international forums with his own uniqueness in articulating his convictions with sound and strong theological strength.

One example was the controversial remark made by Pope Benedict XVI on the apostolic origin of St. Thomas Christians in India. "On 27th September 2006, Pope Benedict XVI stated during his Wednesday catechesis at the Vatican that the apostle Thomas preached the gospel in North Western India, (that is, present-day Afghanistan and Pakistan), from where Christianity reached also South India (implying that the Apostle did not take the gospel to South India personally). This remark went almost unnoticed in the West, but there was a media uproar in India."¹ It was Professor George Nedungatt who went personally to the Vatican and presented his arguments systematically

* *Jñānayogi* is one who attained realization through the path of knowledge. This Sanskrit word is a grouping of two words: *jñāna* (knowledge) and *yogi* (a realized person). In the Indian tradition such a person is regarded as a contemplative saint and an ascetic.

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¹ George Nedungatt, SJ, *Quest for the Historical Thomas Apostle of India: A Rereading of the Evidence* (Bangalore: Theological Publication in India, 2008) xi.

before Vatican Offices that the apostolicity of St. Thomas Christians in India is not a debated question today, and if it is put into doubt, it may create unwanted ill feelings among the St. Thomas Christians in India. The Vatican responded to his plea with a corrective statement on the official website exactly two months later, on 27 November, that the Apostle himself had proceeded to preach the gospel in South India.

To scholars, Prof. George Nedungatt always remained a point of reference. When he speaks and argues out in international forums of canon lawyers, nobody among them will have any doubt regarding his way of presenting the argument with precision and clarity. The students, especially those who did a doctorate under his guidance always found that he is a man of strict discipline, methodology, precision, and clarity. He was demanding all these qualities from his students, especially from those who have done a doctorate in Canon Law.

At the time of the elevation of the Syro-Malabar Church as a major archiepiscopal Church (1992-1994), he was the brain behind the curtains who prepared the Syro-Malabar Church with canonical structures and its own Particular Laws by spending his annual vacation at St. Thomas Mount, Kakkanad, Kerala. As a professor of Canon Law at PIO, Rome, he had the rare opportunity in giving canonical formation to many of the leading canonists of today in the Syro Malabar, Syro Malankara, and Maronite Churches *sui iuris*. He also played a key role in the canonization of saints from India especially, Alphonsa, Kuriakose Elias Chavara, Euphrasia, Mariam Thresia, Devasahayam and blessed Blessed Rani Maria. For the clerics, religious, and laity he visualized that they should become enlightened in current Oriental Canon Law. To this purpose, he promoted personally the cause of establishing an Institute of Oriental Canon Law (IOCL) at Dharmaram Vidya Kshetram, Bangalore in 1999. He nurtured it and instructed the teachers of this Institute to bring out scholarly articles and monographs regularly. He guided the IOCL to start a journal of its own, namely, *Iustitia* as well as to publish a series of monographs under the title *Dharmaram Canonical Studies*. He meticulously planned and executed them systematically by empowering the IOCL staff and inspiring them to grow into the academic culture of learning Canon Law every day.

From 1999 to 2012, he used to spend his one-month vacation with the IOCL in DVK using the library facilities immensely and offering

classes to the IOCL Licentiate students in the Latin language as well as in teaching Theology of Law and Philosophy of Law. Moreover, when he retired from the Pontifical Oriental Institute, Rome, and came back to India, he was invited by the authorities of DVK to be a resident emeritus professor to stay at DVK in Bangalore. He accepted it readily and stayed at Chavara Bhavan, on the Dharmaram College campus for about 3 years from 2012-2015. He guided the IOCL staff and students personally to grow on the right track academically and make consistent contributions to evolve IOCL into a full-fledged Faculty of Oriental Canon Law. He dreamt of making this Institute the first Faculty of the Oriental Canon Law of the Church in India.

The present volume of *Iustitia* is dedicated to the memory of the beloved professor George Nedungatt, a Jesuit priest of the Kerala Province. Prof. George Nedungatt who died on 26 October 2022, was born in Peringazha in Muvattupuzha, Kothamangalam diocese of Kerala, to his parents Mr. Iype and Mrs. Mary on 21 December 1932. He joined the Jesuit religious Society and was ordained a priest in 1964. The lion's share of his life was spent at the Pontifical Oriental Institute, Rome teaching at the licentiate level, correcting and directing his own doctoral students, working with Pontifical Commission for the Codification of Oriental Canon Law (PCCICOR), contributing excellent articles to various journals in international journals, and working as the chief editor of the *Kanonika* series of PIO, etc. There were thirteen scholars who have done doctorate under his guidance. Of these thirteen, one of them draws his profile and seven of them have enthusiastically, as a sign of their gratitude to their beloved *guru* Prof. George Nedungatt, are presenting their original doctoral themes which they have defended already at the Pontifical Oriental Institute with updated nuances. This volume of *Iustitia* pays homage to this great learner and scholar of Canon Law by presenting the different themes of these eight scholars in a single volume combining both numbers (No. 1 of June and No. 2 of December) 2022.

Sunny Kokkaravalayil SJ, sketches the colourful profile of professor Fr. George Nedungatt SJ through his article *George Nedungatt SJ - A Profile*. He brings out through this article the birth and curriculum of Prof. George, his studies and the degrees he obtained, his various assignments, his scholarly associations, memberships in editorial boards, and finally, an extensive bibliography of his works. The author comments that this article is a revised version of his two earlier articles published in *Festschrift in Honour of Prof. George Nedungatt S.J.*

in 2002 and in the *Journal of St Thomas Christians* in 2012. He recalls that the personal data contained in those articles were collected during his personal talks with Prof. Nedungatt and verified by him. The present version is made immediately after the death of Prof. George Nedungatt.

Crafting a Paradigm for the Catholic Communion of Churches is the article of Chorbishop John D. Faris from the USA. Through this article, John D. Faris explores the tripartite paradigm for the communion of Churches in the Catholic Church. The drafting of the post-conciliar common Code for the Eastern Catholic Churches highlighted the need for a clear understanding of the ecclesial and hierarchical infrastructure of the Catholic Church in order to ascertain the place of the Eastern Catholic Churches in it. A lack of appreciation of the ecclesial nature of these Churches reduced them in practice to administrative anomalies in the Catholic Church that had their own rites. The Second Vatican Council provided insights into the Catholic Church as a communion of Churches, each with the power to govern itself. He clarifies the concepts of achieving an ecclesial identity, notion of rites, traditions, *ecclesia sui iuris*, coalescence of Churches, and configuration of a hierarchy with differentiation of episcopal roles of Metropolitans and Patriarchs having Supra-Metropolitan Authority. He also underlines the right of each Church *sui iuris* of their right for self-governance and its parameters.

George Thekkekara illustrates in his article *the power of the Roman Pontiff in relation to the Churches Sui Iuris: An Analytical Study of CCEO c. 43, with special reference to the Patriarchal Churches in an Ecumenical Perspective*. He reflects that canon 43 of the Eastern Code is the crux of the Catholic teaching on the primacy of the Bishop of Rome. Is papal primacy a stumbling block for ecumenism, as once observed by the late Pope Paul VI in his address to the members of the Secretariat for the Unity of Christians? He debates whether canon 43 promotes ecumenism or remains a hindrance to it. He evaluates whether it is acceptable to the non-Catholic Eastern Churches. And he asks whether the Catholic Church does anything more to make this mode of primacy more acceptable to the Easterners. According to Thekkekara, the author, the Catholic Church should think of formulating an ecclesiology that gives more prominence to the heads of particular Churches *sui iuris*, especially the patriarchs.

George Allumpurathu O.Praem, studies the various nuances of the ascription of religious through his article titled '*Ascription and Government of a dependent Monastery, a House or a Province of a Religious Institute Ascribed to Another Church Sui Iuris (CCEO c. 432).*' CCEO canon 432 defines the juridical figure of a dependent monastery, a house, or a province of a religious institute ascribed to another Church *sui iuris*. The author elucidates that these are the only exceptions in CCEO, according to which a religious institute can admit candidates from another Church *sui iuris* without the prior permission of the Holy See.

Bishop Sebastian Vadakkal in his article '*The Juridical Status of the Missionary Society of St Thomas the Apostle,*' offers the then juridical status of MST as a 'society of common life without public vows' as per *Motu Proprio Postquam Apostolicis Litteris* by Pope Pius XII and points out the inadequacy of the canonical classification to suit the original nature and scope of MST as an organized missionary effort of the diocesan clergy of the Syro-Malabar Church. According to him although the missionary societies of similar nature in the Latin Church found a proper canonical classification in CIC 1983 as 'Societies of Apostolic Life,' that provision was missing in the last scheme of the *Code of Canons of the Eastern Churches* submitted to the Roman Pontiff for his final approval. Hence, the thesis of Sebastian Vadakkal posed other possible juridical options like 'Association of Christian Faithful with the Right to Clerical Ascription' and 'Missionary Personal Exarchate of the Syro-Malabar Church,' etc. However, by the direct intervention of the Holy Father, with the mediation Prof. George Nedungatt, the title 'Societies of Apostolic Life' was included in CCEO 1990 with a single canon 572. Thus, bishop Vadakkal also presents the juridical status of MST as per C. 572 of CCEO 1990.

'*Clerical Ascription according to CCEO: A Study with Special Attention to Clerical Ascription in Missionary Society of St. Thomas, the Apostle*' is the theme of Antony Perumanoor. According to him all the Societies of Apostolic Life exclusively have an orientation for the mission *ad gentes*, starting as the response of Churches *sui iuris* to their responsibility for the universal mission. He writes that these Societies are instruments of the local Churches which require close bonds with the bishop and the priests. According to the teaching of the Council, a missionary Society exists not for itself but as an instrument of the living communion between the sending and the receiving Church (AG 17, 37). He clarifies that the clerical members of Societies of Apostolic

Life are normally ascribed/incardinated to the Society. But there is a provision for the members to remain ascribed/incardinated to their own home dioceses (eparchies). He convincingly reasons that the members ascribed to the home dioceses (eparchies) and, at the same time, become members of the Society by taking the promise of incorporation, belong to the home dioceses/ eparchies by origin and mission, and belong to the universal Church through their priestly and missionary work. This also expresses their dedication to the missionary activity of the universal Church and the active participation of their diocese/eparchy of origin in the work of evangelization. At present, all members of the MST are ascribed to the Society. According to the author, making use of the provision of the Missionaries of Saint Thomas (MST) to be ascribed to the home dioceses/eparchies will help the members participate in the missionary responsibility of their respective dioceses/eparchies.

Archbishop Kuriakose Bharanikulangara, examines the culture of synodality through his article '*Synodality and Particular Law.*' As the theme of synodality is being discussed globally today to attain better "communion, participation and mission," this article positions that this idea of communion and participation in the canonical framework was pondered over by Fr. George Nedungatt about 25 years ago. The author recounts that in his capacity as Professor and later Dean of the PIO and as a close collaborator of the drafting Committee of the Guidelines a Working Group, he had insisted on the principle of subsidiarity in the drafting of Eastern Canon Law. He also claims legislative freedom and flexibility to the Churches *sui iuris* and individual bishops. The right of the bishops to make law in his diocese/eparchy, guaranteed by episcopal consecration, and that of the Synod of Bishops for making Particular Laws are evaluated. The author cautions against the danger of synchronization in applying this legislative right in the life of Eastern Churches.

Finally, Cherian Thunduparampil CMI, surveys the legal updating through the article '*Reforms in the Canonization Process since 1983.*' The *Normae* promulgated by St. John Paul II in 1983 continued to govern the canonization process. The progress and advancements that have been happening since 1983, both in the Church and outside, along with the difficulties and issues encountered by the Congregation for the Causes of the Saints in the application of the above-mentioned norms, prompted the competent authorities to enact reforms into the current process of canonization. This article, paying homage to

Professor George Nedungatt SJ, introduces and presents such important reforms in the field of the Canonization process.

With a sense of profound gratitude, we would say that a star of the Church in India in the field of Canon Law, in the person of Professor George Nedungatt is no more today. Let the ideals he placed before us be the beacons of light in our interpretation of Canon Law. He was a genuine *Acharya* who transformed his intense thirst for knowledge in theology and Canon Law into true *Brahmajijnsa*. He envisaged the Church as the guardian of justice and Canon Law as the powerful medium for ensuring the administration of justice in the Church with the sweetness of mercy. The Editorial Board is immensely grateful to the contributors of the *Ad Memoriam* volume of *Iustitia*, namely, to Sunny Kokkaravalayil SJ, Chorbishop John D. Faris, George Thekkekara, George Allumpurathu O.Praem, Bishop Sebastian Vadakkal, Antony Perumanoor MST, Archbishop Kuriakose Bharanikulangara, and, Cherian Thunduparampil CMI. We deem it as their *Gurudakṣiṇa*² to their *Guru*, Professor George Nedungatt SJ, in the field of Canon Law.

² It is a sacred practise of offering a valuable gift to one's teacher in order to express his/her deep sense of respect and gratitude towards him at the completion of education under him.