

THE JURIDICAL STATUS OF THE MISSIONARY SOCIETY OF ST THOMAS THE APOSTLE

Sebastian Vadakel*

Hearty congratulations to the Institute of Oriental Canon Law, Dharmaram Vidya Kshetra, Bangalore, for deciding to publish an issue of *Iustitia* in honour of Rev. Dr. George Nedungatt SJ as he completes 90 years of age! I was very happy to receive the invitation from Rev. Dr. Varghese Koluthara CMI to collaborate in the noble venture by writing a small article based on my doctoral thesis, “The Juridical Status of the Missionary Society of ST Thomas the Apostle,” a thesis directed by my dear professor and guide Rev. Dr. George Nedungatt SJ. I write down these few pages with great admiration, respect, and love. I do not intend to write more about Rev. Dr. George Nedungatt SJ, knowing well that he is too well known to be introduced. I am sure there will be a detailed write-up on his person and contributions as an authority on Oriental Canon Law.

Abstract

‘The Juridical Status of the Missionary Society of St Thomas the Apostle’ is an attempt to revisit the doctoral thesis defended by the author at Pontifical Oriental Institute, Rome, in 1987, as a requirement for obtaining a doctorate in Oriental Canon Law. The director of the thesis was Rev. Dr. George Nedungatt S. J. The thesis had the scope of presenting 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 to point 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. 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 not made in the last scheme of the future Code of Canons of the Eastern Churches submitted to the Roman Pontiff for approval. Hence, the thesis posed other possible juridical options like ‘Association of Christian Faithful with the right to Clerical Ascription’ and ‘Missionary Personal

* Bishop Sebastian Vadakel hails from the eparchy of Palai. He was ordained a priest on 09 April 1979 and was consecrated the bishop of Ujjain on 08 September 1998. He completed his licentiate and doctorate in canon law at Pontifical Oriental Institute, Rome.

Exarchate of the Syro-Malabar Church'. However, by the direct intervention of the Holy Father, the title 'Societies of Apostolic Life' was included in CCEO 1990. Hence, this article deals in brief with the present juridical status of MST as per C. 572 of CCEO 1990 as a 'Missionary Society of Apostolic Life' of the Syro-Malabar Church with Major Archiepiscopal Right. Some of the salient juridical features of the MST as the Common Law, Particular Law, and the Proper Law of MST are also dealt with in brief in this article.

Keywords: Missionary Society, Major Archiepiscopal Right, Syro-Malabar Church

Introduction

The doctoral thesis titled "The Juridical status of the Missionary Society of St Thomas the Apostle"¹ was written when the process for drafting the Code of Canons of the Eastern Churches (CCEO) was in progress. The Code of Canon Law (CIC) had already been promulgated in 1983. The Missionary Society of St Thomas the Apostle (MST) though originally conceived as a common missionary institute of the eparchial clergy of the Syro-Malabar Church, was canonically placed under the title "Societies Leading a Community Life without Public Vows."² The members were not happy about that classification but longed for a more suitable canonical classification for MST in tune with its true nature. In the Western Church, there were many such missionary Societies similar in nature to MST. They unitedly worked for a more fitting canonical classification, faithful to their foundational charism. Finally, they got classified under the title 'Societies of Apostolic Life.'³ These Societies were mostly institutes of pontifical rite and were placed under the jurisdiction of the Congregation for the Propagation of Faith.⁴ They found their proper place in CIC 1983,

¹ The 'Constitutions and Directives' of the Missionary Society of the St Thomas the Apostle, Deepti Bhavan, Melampara 1997, Reprint 2015, uses MST as the acronym to denote the Society. Hence, we will be using it alternately.

² Cf. *Motu Proprio Postquam Apostolicis Litteris*, Pius XII, Typis Polyglottis Vaticanis, Romae 1952, Chapt. IX.

³ Cf. Part III, Section II of The Code of Canon Law 1983, English translation published by Collins for Theological Publications in India, Bangalore 1983, Hence forward used as CIC 1983.

⁴ In the 'Thesis' only 15 such Societies of Pontifical Right with exclusively ad gnetes missionary scope were considered for comparative study. Cf. SEBASTIAN VADAKEL, *An Indigenous Missionary Endeavour*, Ruhhalaya

outside the "Institutes of Consecrated Life," but still they were defined as those who "resemble the institutes of consecrated life" (CIC 1983, c. 731:1). The Code gives only the general norms to guide such Societies, left the specific details to their own proper law.

The doctoral thesis titled "The Juridical Status of the Missionary Society of St Thomas the Apostle," was undertaken with the specific purpose of highlighting the inadequacy of the then juridical status of the Society and to propose a more suitable juridical status for the Society also ensuring a clear inclusion of such a canonical provision in the Code of Canons of the Eastern Churches (CCEO) that was in the making. The Missionary Society of St Thomas the Apostle (MST) was very happy to have found a place in the Common Code (CCEO 1990) under the heading "Other Forms of Consecrated Life and Societies of Apostolic Life," with CCEO 572, regulating Societies of Apostolic Life, in general, leaving the details to the Particular Law of each *sui iuris* Church and to the proper law of particular Societies.

The present article is a short presentation of the juridical status of MST in CCEO 1990, the Particular Law of the Syro-Malabar Church, and the Proper Law (Constitutions and Directives) of MST.

Part I: The Origin, Nature, and Growth of the Missionary Society of ST Thomas the Apostle (MST)

In this part, we see the origin, growth, and nature of MST in the ecclesial context of the Syro-Malabar Church and being influenced also by the model of the missionary Societies of the secular clergy in the west (Latin Church). We make a short study of the juridical status of the missionary Societies of the secular clergy in the Latin Church before CIC 1917, in CIC 1917 and their new juridical status as Societies of apostolic life in the CIC 1983. This should help us understand and appreciate the new juridical status of MST as in CCEO 1990, which we shall see in Part II.

1. The Erection and Growth of MST

The Missionary Society of St Thomas the Apostle was canonically erected at Melampara in the Eparchy of Palai on 22 February 1968. But

Publications, Ujjain and OIRSI Publications, Vadavathoor 1989. This is published form of the thesis 'The Juridical Status of the Missionary Society of ST Thomas the Apostle'. Most of the references in this article are taken from this published version of the thesis. Henceforward it is quoted as S. Vadakel, *An Indigenous Missionary Endeavour*.

the background for the erection of the Society had already been prepared. In the twentieth century, there was a sudden awakening in the missionary consciousness of the Syro-Malabar Church in Kerala. The restoration of the hierarchy of the Church under indigenous bishops accelerated the process greatly. The growth of the Church during this period has been astonishing for anyone to see. During this period, many religious institutes came up in the Syro-Malabar Church, all of them taking up missionary activities in different parts of Kerala and outside. In fact, there was also a sudden growth in the priestly and religious vocations in the Syro-Malabar Church.⁵ Since there was no possibility for the clergy and religious of the Syro-Malabar Church to engage in evangelization activities as per their own liturgical heritage outside Kerala, thousands joined various Latin dioceses and religious institutes' outside Kerala to become missionaries.⁶

Besides, there were other favourable circumstances that helped the erection and growth of MST. The foundation and growth of the *Cherupushpam* Mission League was one such favourable circumstance. It is worth noticing that Fathers like Joseph Maliparambil, Abraham Ettackakunnel, and Francis Kandathil, who were one-time directors or organizers of Mission League, became founding members of MST.⁷

The St Joseph's Pontifical Seminary Alwaye, a major seminary for the diocesan clergy in Kerala, also played a vital role in instilling missionary enthusiasm in future priests. The Second Vatican Council gave an added impetus to the missionary enthusiasm of the diocesan clergy of the Syro-Malabar Church. The Council made bishops primarily responsible for organizing missionary activities of the Church. It exhorted the bishops in their conferences, "to consider the question of sending diocesan priests for the evangelization of the nations ... if needed be, founding missionary institutes and seminaries of the diocesan clergy for the missions (AG 38). The hierarchy of the Syro-Malabar Church responded to this call by wholeheartedly supporting the erection of The Missionary Society of St Thomas the Apostle in 1968.

⁵ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 90.

⁶ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 92.

⁷ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 93-96.

2. The Initiative of Mar Sebastian Vayalil to Found MST

The Missionary Society of St Thomas the Apostle in its present form is the result of the missionary initiative that Mar Sebastian Vayalil, the late bishop of Palai took. The Eparchy of Palai was rich in priestly and religious vocations, and hundreds of them were going to different Latin dioceses and religious institutes in India and abroad to become missionaries. The priests of the Eparchy of Palai were very much missionary minded, and they had already started discussions and studies on how to engage in missionary activities, remaining faithful to the heritage and identity of the Syro-Malabar Church. Hence, he already started preliminary preparations to start some sort of clerical institute of diocesan priests to engage in direct missionary apostolate. As he went for the *ad limina* visit to Rome in 1960, he presented the matter to Holy Father pope John XXIII. Holy Father encouraged him in his effort and directed him to discuss the matter with the officials of the Congregation for the Oriental Churches and the Propagation of Faith. These discussions gave him better clarity on the matter, and he came to the conclusion that India, and precisely the Syro-Malabar Church, required a missionary Society of secular clergy who would take up the work of evangelization throughout India.⁸

Back in India, Bishop Mar Sebastian Vayalil presented the idea and consulted the bishops of the Syro-Malabar Church in an official meeting of the bishop's conference. The bishops welcomed the idea of starting a common missionary Society of the Syro-Malabar Church that would be directly under the jurisdiction of the hierarchy. To quote the word of Bishop Vayalil:

"In an official meeting of the Syro-Malabar bishops ... I presented the plan to erect a new missionary Society. All the bishops wholeheartedly welcomed the plan. I then told them that it should be a Society for the whole Church Hierarchy. They said, 'Let it be so, but your Excellency take up the responsibility as the vocations are more numerous in your Excellency's diocese,' and they promised their full support for the venture"⁹. That is what prompted him to say in the inaugural address of the Society, "It is a venture in the right direction sponsored by the

⁸ Cf. Constitutions and Directives of MST, 1997, D 2, p. 314; Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 96-103.

⁹ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 97.

Syro-Malabar Hierarchy ... It is a noble endeavour of the Syro-Malabar Church deserving our full support".¹⁰

Bishop Vayalil worked on the project seriously and held further consultation with the experts of the Congregation for the Oriental Churches on the nature of the future missionary institute. Following the advice given by the experts of the Congregation in Rome, and after a formal consultation with interested eparchial priests of the diocese on 22 July 1963, it was decided to formulate draft statutes of the future missionary Society, taking the model of Paris Foreign Missionary Society (MEP) and Milan Foreign Mission Society (PIME). A committee consisting of Rev. Fathers Kurian Vanchipurackal and John Perumattam was constituted to formulate the draft statutes of the proposed missionary Society to be sent to Rome for the observations of the Congregation for the Oriental Churches. There were further discussions and consultations with the priests as well as with the bishops of the Syro-Malabar Church. The draft statutes thus passed by the priests and the bishops of the Church was sent to the Congregation for the Oriental Churches on 14 March 1964. In the meantime, Bishop Vayalil, as instructed by the Congregation started the proposed missionary institute as a 'Pious Union of the Diocesan Clergy.' Already nine priests inscribed their names as members of the Pious Union. They unanimously chose Mar Sebastian Vayalil as the president and Rev. Fr John Perumattam as its secretary and treasurer.

During his many visits to Rome in connection with Second Vatican Council and for *ad limina* visit between 1964-1966, Bishop Vayalil discussed the project with Pope Paul VI, who encouraged him and promised support for his initiative to start the new missionary institute.

After due study and deliberations, the Congregation for the Oriental Churches gave its permission on 13 June 1967 to raise the existing Pious Union as The Missionary Society of St Thomas the Apostle, 'ad instar religiosum sine publicis votis, ad normam Cap IX, Litt. Ap Postquam' and to promulgate its statutes integrating the amendments proposed. The Missionary Society of St Thomas the Apostle was canonically erected by Mar Sebastian Vayalil, the then Bishop of Palai at Melampara, in the Eparchy of Palai on 22 February 1968. It is significant to note that His eminence Maximilian Cardinal de Fürstenberg, the Prefect of the Congregation for the Oriental Churches,

¹⁰ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 98.

His Excellency Most Rev. Joseph Caprio, the Apostolic Pro-Nuncio to India, the Archbishops and Bishops of the Syro-Malabar Church, a large number of priests, religious men and women as well as a number of layfaithful were present during the ceremony.¹¹

The Society thus started functioning. On 16 July 1969, Bishop Mar Sebastian Vayalil appointed Rev. Fr John Perumattam as the first Director General of MST, Rev. Fathers Joseph Maliparambil, Joseph Mattam, Abraham Ettackakunnel and John Kadookunnel as the councillors. Rev. Fathers John V. Plackeel and Sebastian Pottanany were appointed Secretary General and Treasurer General, respectively. They made their promise of incorporation in the Society before Bishop Vayalil, and eleven other priests made their promise of incorporation before the Director General, thus making 16 diocesan priests the first members of MST. All of them remained incardinated to their own respective dioceses while incorporated as members of the Society.¹²

3. The Growth of the Society

With the wholehearted support of the Apostolic See, the bishop and the clergy of Palai, the bishops of the Syro-Malabar Church and the enthusiastic efforts of the priests who became members, the Society made steady growth in all fields. As a concrete response of the local and individual Church of the mandate of the Risen Lord: 'go out to the whole world, proclaim the Good News to all the creation,' (Mk 16:15), the Society plunged into action immediately. A few months after its erection, on 29 July 1968, MST was entrusted with the evangelization of the newly formed Apostolic Exarchate of Ujjain in Madhya Pradesh, with Rev. Fr John Perumattam, its first Director General appointed as its Apostolic Exarch. It was raised to the status of an Eparchy by Pope Paul VI on 26 February 1977, and Mar John Perumattam was appointed its first bishop.¹³ With the active involvement of MST priests in collaboration with the Eparchial priests and religious sisters, the Eparchy of Ujjain has succeeded in reaching

¹¹ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 97.

¹² Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, pp. 96-103. This whole section is based on various sources of MST, The Welcome Speech of the Founder during the Erection of MST, and from a personal Interview conducted by the author with Mar Sebastian Vayalil on 3 January, 1995.

¹³ AAS 61 (1969) 23-24.

the gospel message to all the corners of the Eparchy comprised of four civil districts of Madhya Pradesh.¹⁴

The Missionary Society of St Thomas the Apostle (MST) accepted the responsibility of evangelization in the Mandya district, then part of the Eparchy of Mananthavady in 1979. A formal contract of the agreement was signed between the Bishop of Mananthavay to that effect on 19 October 1980. After the erection of the Eparchy of Kalyan on 28 May 1988, the Director signed a formal agreement with the Bishop of Kalyan accepting the responsibility of evangelization of the four civil districts of Maharashtra, namely; Sangly, Kolhapur, Sindhudurg and Ratnagiri to form Sngly Mission Region of MST.

The fourth Mission Region of MST is The Mary Queen of Missions Region, which is part of the Eparchy of Faridabad. The agreement with the bishop of Faridabad to that effect was signed in 2022. The MST is actively collaborating in the evangelizing efforts of the Eparchy of Shamshabad, especially in Orissa, Bhopal, and Indore. Besides, MST has sent out a number of priests to other Syro-Malabar Eparchies in India and outside, especially for the pastoral care of the Syro-Malabar migrants.¹⁵

The Missionary Society of ST Thomas started its own minor seminary Deepti College at Melambara, Palai already, in 1969. At present, the MST has its own houses of formation for all stages of priestly formation, namely, Mission Seminaries, Mission Orientation Centre, and Philosophy and Theology Major Seminaries. As per the Directory of MST 2021, the total strength of perpetually incorporated members of MST is 389, of whom 384 are priests. There are students undergoing priestly formation in various seminaries. Society has 15 Associate Missionaries and 1623 Santhome Fellowship Members who are mostly lay faithful collaborating in various evangelizing efforts of MST. The MST also takes up various mission animation programmes for the Syro-Malabar faithful in the home Eparchies in Kerala.¹⁶ The Society has grown steadily in all areas and is rendering remarkable service as the common mission institute of the secular clergy of the Syro-Malabar Church.

¹⁴ Cf. Directory 2021: Eparchy of Ujjain, Bishops House, Ujjain, 2021, p. 123-124.

¹⁵ MST Directory 2021, Deepati Mount, Melampara, 2021, p. 254-291, 48-49.

¹⁶ MST Directory, 2021, p. 296-297.

4. The Juridical Statutes of MST Prior to 1997

The Code of Canons of the Eastern Churches (CCEO) was promulgated in 1990. Following that MST revised its Proper Law opting for the juridical status of 'Societies of Apostolic Life' as per CCEO c. 572 in Chapter IV, Title XII On Monks and Other Religious as well as Members of Other Institutes of Consecrated Life. Chapter IV of Title XII reads 'Other Forms of Consecrated Life and Societies of Apostolic Life. CCEO 572 was a special provision made in the final text by the Supreme Authority to give a place in the Common Law for Societies like MST, which are not religious institutes of Consecrated Life.¹⁷

5. The Statutes of MST of 1968

The proper law of MST before 1997 was The Statutes of the Missionary Society, approved and promulgated on 22 February 1968¹⁸ by His Excellency Mar Sebastian Vayalil, the then Bishop of Palai. It was formulated after a lot of study and discussions at various levels and with various people. The committee that drafted The Statutes of MST had before them the constitution of the Paris Foreign Mission Society (MEP) and the Milan Foreign Mission Society. Both these Societies were missionary Societies like MST started as the missionary efforts of the secular clergy of their own churches. They were not religious institutes or even institutes of Consecrated Life '*ad instar religiosorum*.' But as per CIC 1917, they had to be classified under the title '*De Societalibus sine votis publicis*.' The missionary Society of St Thomas the Apostle (MST) that was formed after the example of these missionary Societies in the west was also juridically classified under the category of '*societas ad instar religiosorum*'. Hence its statutes of 1968 imitated the religious institutes in its structure, form, formulations, and contents. However, the pioneer members, who were all diocesan priests, did not imitate the religious in their lifestyle or apostolate. In practice, MST had not imposed any form of religious life on its members through the statutes. In the organization and administration of the Society, the same laws that concerned the religious congregations were applied to the Society, although The Statutes adapted them to suit the nature of the Society. The emphasis on '*ad instar religiosorum*' was evident in the

¹⁷ George Nedungatt S. J., *A Guide to the Eastern Code*, Kanonika 10, Pontifical Oriental Institute, Rome, p. 391, note 57.

¹⁸ *The Statutes of The Missionary Society of Saint Thomas the Apostle 1968*, St Thomas Press, Palai, 1968, Hereafter *The Statutes of MST 1968*.

Statutes in the treatment of various aspects of the life and activities of the Society and its members.¹⁹ It was evident to the members as well as to the different General Assemblies of the MST that a change in the nature of MST was much needed to suit its original foundational nature and charism.²⁰

Part II: The Missionary Societies in the Latin Church: Their Nature and Juridical Stature before and after CIC 1983

As The Missionary Society of St Thomas, the Apostle (MST) was formed after the model of the missionary Societies like MEP and PIME, in the Latin Church, a look at their juridical status before CIC 1983 would be useful for our study on MST. For our study in this article, we take up only 15 such Missionary Societies of Apostolic Life of Pontifical Right in the Latin Church.²¹

These Societies have 'ad gentes mission' as their exclusive or primary scope. They all started as missionary institutes of secular, diocesan priests of their own respective local Churches.

The founding members of these Societies were diocesan priests, and the priest members still retain their secular, non-religious character. They are all under the jurisdiction of Propaganda Fide. Most of these Societies were started by diocesan priests who wanted to engage in missionary activities as secular priests, and the Congregation of Propaganda Fide encouraged and supported these entities. The Paris Foreign Mission Society (MEP) was the first to start. It was due to the initiative of Propaganda Fide and the interest of the diocesan clergy of France in missionary activity the MEP took shape. The foundation of the Milan Foreign Mission Society was, on the other hand, the result of the joint efforts of the bishops of Lombardia.²² Almost all the fifteen missionary Societies under consideration were founded as a response to the missionary enthusiasm and vocation of the diocesan priests of the local Church, but with the active support and collaboration of the bishops concerned. The Congregation for the Propagation of Faith (Propaganda Fide) encouraged and supported these efforts. Until 1917 these Societies had very simple organizational structures and were very closely linked with the mission territories, the local churches, and the Apostolic Vicariates in the mission territories. The emphasis was

¹⁹ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 150-151.

²⁰ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 166.

²¹ Cf. Note 4 in Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, 29.

²² A. Riza, "Istituto della Missioni Estere" in *DIP* 5, 143-144.

on missionary activity, and the organization was meant to serve this purpose. They were thus functional missionary organizations. Paris Foreign Missionary Society, the model for other Societies, did not have even a Constitution till 1905. The priest members were all diocesan priests, who remained incardinated to their own diocese, but were placed under the jurisdiction of the local ordinaries of the mission territories they served. The MEP Society did not have a superior general until 1927. Hence the Societies kept up their exclusive missionary character, the members, their secular status as diocesan priests, and the organizational structure and government remained at the service of the missionary apostolate. But the promulgation of CIC 1917 and later laws changed the juridical status of these Societies substantially.²³

1. The Juridical Status of the Societies in CIC 1917

The Code of Canon Law, 1917 (CIC 1917) made a uniform common law for all the missionary Societies of secular priests, and grouped them along with the then existing 'quasi-religious Societies without public vows under the common title, *'De Societalibus sine vivorum sine mulierum in communi viventium sine votis publicis.'*²⁴ Thus the missionary Societies had to conform themselves to this juridical status. They were made to be institutes that imitated the religious (CIC 1917, c 673:1). This meant giving up or ignoring their own original charism and nature and fitting themselves into the structure of the Code. Thus, though they were not conically classified as 'religious institutes,' out of 186 canons concerning religious (CIC 1917, 487-672) 101 were also made applicable to these Societies. Thus, the constitutions of these Societies resemble very much those of the religious congregations. They were often referred to as 'quasi-religious Societies.'²⁵ Thus we see the approved constitutions of the Societies insisting on 'community life' of all dimensions, practicing the evangelical counsels like the religious, having and the organization and government similar to the religious congregations. The same is with regard to the superiors and the formation of the members, including novitiate, private vows, etc.

Although, canonically, the members were not considered 'religious,' some constitutions demanded two years of 'novitiate' before they took

²³ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, pp. 46-49.

²⁴ CIC 1917, *Liber II, Pars Secunda, 'De religiosis', Titulus XVII, CC 673-681.*

²⁵ B. J. Ristuccia, *Quasi Religious Societies*, Washington 1949, p. 58.

the oath of incorporation, others one year of probation, and two years of temporary membership before their perpetual incorporation. Thus, in the admission, probation, and formation of the members, they were made almost similar to the religious congregations after 1917.²⁶

2. The Juridical Status of the Missionary Societies in CIC 1983

Following the call of the Second Vatican Council for the renewal of religious life and institutes, the missionary Societies, too, took serious steps in this direction through renewal chapters. The renewal had to be 'a return to the original inspiration of the institutes and adaption to the changed circumstances and conditions. They were exhorted "to return to the original inspiration of the founders of the institutes" (ES II, 15). The renewal chapters and assemblies of the Societies that were held helped in the self-understanding of the Societies of their own original inspiration and charism as Societies of the secular clergy of the local Churches. They made earnest efforts to return to their own original inspiration. They rediscovered their own original inspiration as primary preaching of the gospel and pioneering evangelization work", especially among the non-Christians. They understood their future role as service to the young local Churches, as everywhere, the missionary responsibility was being entrusted to the Particular Churches under the guidance of their own local Hierarchs. Hence the Society's role was understood "to be at the service of each bishop in his diocese."²⁷

The renewal understanding urged the Societies to look for means to return to the spirit of their founders and the original nature of their institutes. The self-awareness helped these Societies to make combined efforts to secure a more suitable juridical status in the new Code being drafted. Finally, the 15 missionaries found their own place in CIC 1983 as 'Societies of Apostolic Life.'²⁸

3. The Missionary Societies in CIC 1983

The Code of Canon Law (CIC) 1983, Part II of CIC 1983) has the title 'Institutes of Consecrated Life and Societies of Apostolic Life.' In it, Section I deals with Institutes of Consecrated Life, and Section II deals with Societies of Apostolic Life, making it amply clear that they are not part of the Institutes of Consecrated Life. However, c. 731 §1

²⁶ Cf. B. J. Ristuccia, *Quasi Religious Societies*, pp. 48-50, 182-192.

²⁷ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, pp. 60-61.

²⁸ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, p. 73.

dealing with the Societies clarifies that the specific nature and end of the Society are to be made clear in the constitutions. The section makes many of the canons on Institutes of Consecrated Life applicable to these Societies as well. When we examine this section closely, we observe that although they are not part of the 'Institutes of Consecrated Life Canonically,' they are 'similar' to them. Besides, under this classification, there are Societies, which were formerly classified as 'Societies of Common Life *'ad instar religiosorum'* whose members assume evangelical Counsels with some definite sacred bond. The missionary Societies do not come under this category. Canon 578 of CIC that calls for fidelity to the founder's spirit, and the healthy traditions of the institute are of great importance to these Societies.

Although these Missionary Societies desired to be classified as Associations of Christian Faithful, with the right to incardinate clerics, they have found their place in the new CIC 1983 as Societies of Apostolic Life, in proximity to the Institutes of Consecrated Life in the Code. They still heavily depend on the law for the Institutes of Consecrated Life. The Code does not distinguish between missionary Societies of Secular Clergy and Societies of Common Life a '*ad istar religiosorum.*' However, many Societies have reformulated their own particular law, adapting the Common Law to suit their own original spirit and charism.

Part III: The Juridical Status of MST as a Society of Apostolic Life in the Light of CCEO 1990 and the Particular Law

The Missionary Society of St Thomas the Apostle (MST) became as Society of Apostolic Life as per the Code of Canons of the Eastern Churches 1990 (CCEO c. 572) in the year 1997. The Code of Canons of the Eastern Churches has only one canon (c 572) dealing with the Societies of Apostolic Life, leaving the details to the Particular Law of the *sui iuris* Church and each Society's proper law. Accordingly, the proper law of MST was revised by its General Assembly that was held for the purpose in 1996 and got approved by the Apostolic Administrator of the Syro-Malabar Major Archiepiscopal Church, having received also the 'no-objection' of the Apostolic See for the juridical change and for the promulgation of the 'Constitutions and Directives' of MST. Thus, MST became a Society of Apostolic Life of

Major Archiepiscopal Right.²⁹ Let us look at the history behind this change and the salient juridical features of MST as per CCEO 1990 and the Particular and Proper Law.

1. Canon 572 on Societies of Apostolic Life in CCEO 1990

The Canon 572 in CCEO 1990 on Societies of Apostolic Life was the result of the direct intervention of Pope of John II.³⁰ The final schema submitted to the Roman Pontiff by the Pontifical Commission for the Codification of the Code of Canons of the Eastern Churches (PCCICOR) did not have this canon. The commission was of the opinion that since MST was the only such Society of Apostolic Life in the Eastern Churches, it could be regulated by the particular law of the *sui iuris* Church, or Roman Pontiff could make such a special provision for MST. However, the superiors of MST had made such a request to the Roman Pontiff to intervene with PCCICOR for the inclusion of 'Societies of Apostolic Life' also in the Code of Canons of Eastern Churches to be promulgated soon. This was done so because MST realized that the canonical classification 'Societies of Apostolic Life' would better suit its non-religious Apostolic Missionary nature. This request was accepted by Pope John Paul II, and through his direct intervention with PCCICOR, we have Canon 572 to regulate 'Societies of Apostolic Life' in CCEO 1990. This canon leaves the details to be worked out by the Particular Law of the *sui iuris* Church and the Society's own proper law.³¹

It is really satisfying to see that such a possibility was opened in CCEO 1990 with the inclusion of Canon 572 on Societies of apostolic Life. Accordingly, the MST opted to be a 'Society of Apostolic Life' of Major Archiepiscopal Right' in the Syro-Malabar Church, formulated its proper law, and got it approved by the Major Archiepiscopal Authority of the Syro-Malabar Church as 'Constitution and Directives' in 1997.³² The Particular Law of the Syro-Malabar Church on 'Societies of Apostolic Life.'³³ It is worth looking at the 'Particular

²⁹ Cf. Constitutions and Directives of MST, 1997, Melampara, 1997, Reprinted in 2015, p. VII to XIX.

³⁰ Cf. Note 4.

³¹ Cf. Nedungatt, *A Guide to the Eastern Code*, p. 391-392.

³² Cf. Constitutions and Directives of MST, p. IX-X.

³³ Cf. Code of Particular Law of The Syro-Malabar Church, Major Archiepiscopal Curia, Mount St Thomas, 2013, Part I, Title VII, Societies of Apostolic Life (c 572) Article 102-124.

Law of the Syro-Malabar Church in this section and the Proper Law of the MST to understand the different dimensions.

2. Salient Juridical Elements of CCEO c. 572

Canon 572 in CCEO 1990 describes the salient juridical elements of the Societies of Apostolic Life as envisaged in the Code.

2.1. They are Similar to the Institutes of Consecrated Life; Leading a Life in Common as Brothers According to their Own Manner of Life CCEO c. 572

The Societies of apostolic Life are called 'to lead a life in common as brothers and sisters,' but 'according to their own manner of life.' These Societies are not religious institutes, nor institutes of consecrated life. Hence the canon gives them the freedom to regulate their communitarian life as per the nature and purpose of their own institute. So it is for the proper law of the Societies to decide the communitarian dimension of their own life.

2.2. Striving for the Perfection of Charity

In Societies, the members are called upon to strive for the perfection of charity according to their own proper law. So, it is for the 'constitutions' of their own institutes to enumerate the various means to lead the members to perfection in Christian life. There is no reference to the institutes of consecrated life. But canon 572 is part of chapter IV of Title XI of CCEO. The chapter has the title 'Other Forms of Consecrated Life and Societies of Apostolic Life.' It is clear that Societies of Apostolic Life do not form part of Consecrated Life. However, the canon makes clear that they 'resemble' institutes of consecrated life. This resemblance is more in the structure and government, formation of the members, their rights and obligations, and in the 'loss of membership.' The Code of Particular Law of the Syro-Malabar Church applies many of the canons of the Institutes of Consecrated Life to Societies of Apostolic Life.³⁴

2.3. Pursue the Apostolic Goal Proper

As the Title indicates, they are Societies whose members peruse the apostolic purpose proper to them through the observance of their

³⁴ Cf. Code of Particular and Directives of Law, Arti. 103, 104, 105, 107, 109, 110, 113, 120, 122, 123, 124, these deal mostly with the structure and government, the erection and suppression, the loss of membership, dismissal and financial administration.

Constitutions. The MST's purpose is clearly "mission *ad gentes*, in India and outside."³⁵ The formation and lifestyle of MST members as oriented to their purpose. But because they resemble institutes of consecrated life, they can draw inspiration from the means proposed to the members of consecrated life to strive for perfection in the Christian life.

2.4. The Members do not Profess Religious Vows

The Societies of Apostolic Life are not 'religious institutes' as the members do not profess evangelical counsels by means of public vows, nor are they 'institutes of consecrated life' as the members are not asked to profess evangelical counsels by private vows or some other sacred bond like members of the Societies of common life (cf. CCEO c. 554). Neither are the members of the Societies of apostolic life called upon to imitate religious life.

2.5. Governed by the Particular Laws of their own *Sui Iuris* Church

Canon 572 leaves all the details to the Particular Law of *Sui iuris* Church and to their own constitutions. When MST's Constitutions and Directives were approved in 1997, there was no approved 'Particular Law' of the Syro-Malabar Church. But as per the suggestion of the Apostolic See, "the Synod of Bishops of the Syro-Malabar Church ruled that the Constitutions of MST already approved would be considered the Particular Law of the Church in this area until the Particular Law of the Church is approved and promulgated."³⁶

3. The Salient Juridical Features of MST as a Missionary Society of Apostolic Life

The Missionary Society of St Thomas the Apostle (MST) was approved by His Grace Archbishop Varkey Vithayathil CSSR, the Apostolic Administrator of the Syro-Malabar Major Archiepiscopal Church, as a Society of Apostolic Life as per CCEI c. 572, of Major Archiepiscopal

³⁵ Constitutions and Directives of MST C. 2 and D. 2. Henceforward C stands for Constitutions No. and D stands for Directives. Constitutions are fundamental law approved by the Major Archbishop but Directives are made by General Assembly of MST.

³⁶ George Nedungatt . S. J., A Guide to the Eastern Code, note 87, pp. 391-392.

Right, with its Constitutions and Directives unanimously passed by its General Assembly held in 1996.³⁷

This change of the juridical status was officially endorsed by the Fifth General Assembly of MST, held from May 19-27, 1993.³⁸ The Assembly passed the following resolution to the effect: "The General Assembly (May 1993) of the Missionary Society of St Thomas the Apostle resolves to get the Society recognized as a Society of Apostolic Life of Major Archiepiscopal Status in accordance with the Code of Canons of the Eastern Churches (Title xii, ch. iv c. 572).³⁹ This change in the juridical status of MST emphasizes certain salient features of MST. The General Assembly of MST, held in May 1993, summarised the salient feature of MST as:

- A Society: the communitarian dimension
- A Society of Apostolic Life: nonreligious nature
- A Society of the Syro-Malabar Church (Ecclesial Character)

It also opted for Major-Archiepiscopal status.⁴⁰ Let us look at these features more closely.

3.1. Societal, Communitarian Character

The Missionary Society of St Thomas the Apostle (MST) was the result of deliberation at various levels by the founder Mar Sebastian Vayalil, the late bishop of Palai. As a result of his consultations with the officials of Propaganda Fide, the Congregation for the Oriental Churches, and the Syro-Malabar bishops in Kerala, it became clear to him that the need of the hour in India was the formation of a missionary Society to organize the secular clergy of the Syro-Malabar Church. In his Welcome Speech on the occasion of the erection of MST on 22 February 1968 he made this aspect clear: "But, it was not in an organized manner that the vocations were made use of. We felt that this affluence and dynamism of our stalwarts could be utilized to the maximum by organizing them into a Society.⁴¹ Today the MST is canonically recognized as a 'Society.' It calls for greater collaboration

³⁷ 'Decree of Approval', Prot. No. 700/97. Cf. Constitution and Directives, MST, Melampara 1997, p. vii-x.

³⁸ The Report of the Fifth General Assembly of MST, 1993, Deepti Bhavan, Melampara, p. 6.

³⁹ The Report of the Fifth General Assembly of MST, p. 6.

⁴⁰ The Report of the Fifth General assembly, May 6.

⁴¹ Cf. Welcome Speech of the Founder in Constitutions an Directives of MST, p. 3-4

and teamwork among the members. The Constitutions of MST make it clear:

“The Missionary Society, which is communitarian plans and executes the apostolic activities collectively under the direction of the Society Superior and the local Hierarch.”⁴² The directives under the same number make it still clearer:

“Communitarian dimension does not necessarily mean living together. Living together is recommended if it facilitates the apostolate. Teamwork and collective apostolate is the hallmark of the Society”.⁴³ This societal, communitarian nature of the Society has been repeatedly stressed by the General Assemblies held after 1997⁴⁴.

3.2. A Society of Apostolic Life: Non-Religious Character

Responding to the request of the General Assembly of MST held in 1996 to the Major Archiepiscopal authority of the Syro-Malabar Church to recognise and approve the Society as a Society of Apostolic Life as per CCEO 572,⁴⁵ the Apostolic Administrator of the Syro-Malabar Church, through his ‘Decree’ Port. No 700/97 approved the MST as a Society of Apostolic Life as per CCEO, c. 572. This change of canonical status is perfectly in tune with the foundational nature of MST as an “organized missionary effort of the diocesan clergy of the Syro-Malabar Church.”⁴⁶ Its non-religious character was part of its original founding spirit. All the pioneer members of MST were diocesan priests of the Syro-Malabar Church. They were not in favour of forming a religious institute. Further, the experts of the Congregation for the Oriental Churches and of Propaganda Fide had also advised against the formation of a religious institute.⁴⁷ The original spirit of MST as an institute of non-religious character has found formal recognition in being approved as a ‘Society of Apostolic Life.’ Hence, “The way of life of the members of the missionary Society is determined, spirituality enriched and life sanctified by their dedicated missionary apostolate,”⁴⁸ and not by the imitation of religious life.

⁴² Constitutions and Directives of MST, 1997, C. 6.

⁴³ Constitutions and Directives of MST, 1997, C. 6.

⁴⁴ The Report of the General Assembly, 1998, 2008.

⁴⁵ Constitutions and Directives of MST, 1997, p. XVIII.

⁴⁶ Constitutions and Directives of MST, D 3.

⁴⁷ S. Vadakel, *An Indigenous Missionary Endeavour*, p. 113.

⁴⁸ Constitutions and Directives of MST, C 7.

3.3. A Society of the Syro-Malabar Church

The Constitutions and Directives of MST 1997 clearly state, "The MST is a missionary institute of the Syro-Malabar Church" (c. 2). The founder Mar Sebastian Vayalil, as well as the pioneer members, wanted the Society to be started in the Syro-Malabar Church. The founder, in his Welcome Speech on the occasion and the erection of the Society in 1968, made this very clear, "The idea of a Missionary Society of the Syro-Malabar Rite grew up in us to take shape in due time. The Syro-Malabar bishops in their conference discussed this matter and asked me to take up the lead in starting the Society".⁴⁹ This ecclesial identity and character of the MST oblige it to: "remain faithful to the liturgical, theological, spiritual and disciplinary heritage of the Syro-Malabar Church"⁵⁰

In accordance with its ecclesial identity, the Society is asked to take up missionary animation programmes in the Syro-Malabar Church as well as to promote missionary vocations.⁵¹ The MST is conscious of its ecclesial identity and has been ever faithful to its identity. It has been repeatedly emphasised in almost all the General Assemblies of MST held.⁵²

3.4. Missionary Character of the Society

The Missionary Society of St Thomas the Apostle was started with an exclusive missionary purpose. The MST was founded following examples of MEP and PIME, which were missionary expressions of their own respective local Churches. The Constitutions of MST clearly states, "The MST is a missionary institute of the Syro-Malabar Church. The purpose of the Society is mission 'ad gentes', in India and outside".⁵³ The Promise of Incorporation that everyone who becomes a member of MST makes reads as follows, "In response to my missionary vocation I ... promise you Father Director General ..., that I shall dedicate myself to the work of Evangelization in and through the Society"⁵⁴ The whole life, formation of the members, structure and government of the Society are oriented towards the fulfilment of this 'ad gentes' mission of the Society and its members.

⁴⁹ Constitutions and Directives of MST, D 2.

⁵⁰ Constitutions and Directives of MST, C 4.

⁵¹ Cf. Constitutions and Directives of MST, C 5.

⁵² Cf. Report of the General Assembly of MST, 1988, 1993, 2008.

⁵³ Constitutions and Directives of MST, C. 7.

⁵⁴ Constitutions and Directives of MST, appendix II, p. 91.

3.5. Of Major Archiepiscopal Right

The MST was formally recognized and approved as “a Society of Apostolic Life of Major Archiepiscopal right in accordance with the norms of CCEO c. 572 with all rights, duties, and privileges attached to such status in the Common Law and the Particular Law of the Syro-Malabar Church which will be eventually formulated and promulgated”.⁵⁵ The Decree was issued after getting the non-objection of the Apostolic See.⁵⁶ Until 1997 the MST was a Society of Eparchial Right, in the Eparchy of Palai. This change in the juridical status is quite in tune with the founding spirit and aspiration of the founder as well as of the pioneer members. The joint Pastoral Letter of the Syro-Malabar bishops, dated 2-2-1992, issued on the occasion of the Silver Jubilee of the MST, very clearly states this fact, “The Missionary Society of St Thomas the Apostle ... the common concern of the Syro-Malabar Church of apostolic tradition, a Society founded taking into account the exigencies of the missionary apostolate and in response to the missionary call of the Kerala Church”.⁵⁷ As a missionary Society of Major Archiepiscopal right, the MST is now under the jurisdiction of the Major Archbishop of the Syro-Malabar Church. The Major Archbishop exercises his authority over the Society with the permanent synod/synod of bishops of the Syro-Malabar Church, as per the Common Law, the Particular Law, and the Proper Law of the MST.

In the thesis titled ‘The Juridical Status of the Missionary Society of St Thomas the Apostle’ defended for the doctoral dissertation of the Faculty of Canon Law at Pontifical Oriental Institute, Rome, in 1987, different juridical options for MST, safeguarding its nature and scope were proposed. This was done because the option of the Society of Apostolic Life was not there in the last schema submitted by PCCICOR to the Apostolic See for approval. But today the MST has approval as a Society of Apostolic Life of Major Archiepiscopal Right as per CCEO c. 572 because such a canonical provision was made in CCEO 1990. At that time, the possible options before the Society were

⁵⁵ ‘Decree’ by Mar Varkey Vithayathil C.Ss.R., Apostolic Administrator, in Constitutions and Directives of MST, p. IX-XI.

⁵⁶ The Letter of Achille Cardinal Sylverstrini, Prefect, Congregation for the Oriental Churches addressed to Mar Joseph Pallikaparampil, Bishop of Palai, Prot. No. 173/84, in Constitutions and Directives of MST, p. XIV-XIX.

⁵⁷ Cf. Joint Pastoral Letter of Syro-Malabar Bishops on 2-2- 1992, in Constitutions and Directives of MST, p. 4.

'Association of Christian Faithful' with the right to clerical ascription or Personal Missionary Exarchate (Delegation) of the Syro-Malabar Church.⁵⁸ The inclusion of c. 572 in CCEO 1990, has settled the search for a more suitable juridical option for the MST.

Conclusion

In this article, 'The Juridical Status of the Missionary Society of St Thomas the Apostle', we have attempted to recapitulate why the then-existing juridical classification of 'societas ad instar religiosorum sine publicis votis', as per chap ix of Apostolic Letter *Postquam Apostolicis Litteris* by Pope Pius XII was found to be inadequate to express the real nature of the MST. A brief history of the origin and growth of MST and the circumstances that led to its erection helped to clarify the founding spirit and scope of the Missionary Society. A study of the efforts made by such missionary Societies of Pontifical Right in the Latin Church to secure a more suitable classification in CIC 1983 and how it succeeded to a great extent, has been very helpful in our study as the MST is modelled after them. In the article, we also looked at the efforts of the MST to secure a more suitable canonical option in the new codification of the Canons of the Eastern Churches and how it succeeded through the direct under the intervention of the Roman Pontiff to get Canon 572, including in the Code. Hence today the MST is approved as a Society of Apostolic Life of Major Archiepiscopal Right. Its salient juridical features like the exclusive missionary scope, societal, communitarian nature, ecclesial nature as a Society of the Syro-Malabar church, the juridical character as a Society of apostolic life, and major archiepiscopal status are all well-articulated in its Constitutions and Directives approved and promulgated in 1997. As the organized missionary expression of the Syro-Malabar Church, the MST is called upon to share in the missionary responsibilities of this Church. My doctoral thesis, defended at Pontifical Oriental Institute, Rome in 1987, with the title 'The Juridical Status of the Missionary Society of St Thomas the Apostle, has been timely as far as the MST is concerned. I remember with love and gratitude the help and guidance given to me by Rev. Dr. George Nedungatt S.J. in successfully completing and defending the thesis.

⁵⁸ Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, pp. 179-191.