

## CLERICAL ASCRIPTION ACCORDING TO CCEO: A STUDY WITH SPECIAL ATTENTION TO CLERICAL ASCRIPTION IN MISSIONARY SOCIETY OF ST. THOMAS THE APOSTLE

**Antony Perumanoor MST\***

### **Abstract**

All the Societies of Apostolic life exclusively for the mission *ad gentes*, started as the response of particular Churches to their responsibility for the universal mission. 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). 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 home dioceses. The members ascribed to the home dioceses and, at the same time, become members of the Society by taking the promise of incorporation, belong to the home dioceses by origin and mission, and belong to the universal Church through their priestly and missionary work. With regard to the ascription of the members of the Missionary Society of St Thomas the Apostle (MST), the Constitutions of the MST, C.14 states that the members are ascribed to the Society as clerics through the reception of the sacred order of the diaconate. But there is another possibility of ascription given in the Constitutions by adding an exceptive clause, "Unless otherwise provided for particular cases." This provision allows the members to be ascribed to their home dioceses and, at the same time, become members of the Society by taking the promise of incorporation. It helps the member to be aware of the universal mission of the concerned dioceses. This also expresses their dedication to the missionary activity

---

\* Fr Antony Perumanoor is a member of the Missionary Society of St Thomas the Apostle (MST). He was born in 1962 in Kerala , India and ordained a priest 1989. He did his Master of Canon Law ( MCL) from St Peters' Pontifical Institute, Bangalore. He also obtained Licentiate and Doctorate in Canon law from the Pontifical Oriental Institute, Rome. He is visiting professor at Ruhahaya major seminary, Ujjain. He is at present the Director General of the Missionary Society of St Thomas the Apostle.

of the universal Church and the active participation of their diocese of origin in the work of evangelization. At present, all members of the MST are ascribed to the Society.-Making use of the provision of the members of the MST to be ascribed to the home dioceses will help the members to participate in the missionary responsibility of their respective dioceses.

**Key Words:** Ascription/Incardination, Society of Apostolic Life, Home Diocese, Clerics, Promise of Incorporation

### **Introduction**

The juridical notion of clerical ascription based on theological and ecclesiological principles is very positive. The theological principle that the Church is missionary by nature and is and should always be missionary needs to be translated into law so that it may touch the day-to-day life of the Church. The members of Societies of apostolic life are normally incardinated/ ascribed in the Society. The CIC 1983, the Particular Law of the Syro Malabar Church, and the Constitutions and Directives of the Missionary Society of St Thomas the Apostle give a provision to incorporate into the Constitutions the possibility of having another mode of incardination.

In CCEO we have only one canon, c. 572,<sup>1</sup> pertaining to Societies of apostolic life. But we see that CCEO gives freedom to each *sui iuris* Church to make its own Particular Law s for Societies of apostolic life. As our study focuses on the clerical ascription in the Missionary Society of Saint Thomas the Apostle (MST), which belongs to the Syro-Malabar Church, the Particular Law on Societies of apostolic life of this Church calls for our special attention. Article 12 of the Particular Law of the Syro-Malabar Church on clerical ascription in Societies of apostolic life states the following:

---

<sup>1</sup> "Societies of apostolic life, whose members, without religious vow, pursue the apostolic goal proper to the Society and, leading a life in common as brothers and sisters according to their own manner of life, striving for the perfection of charity through the observance of their constitutions, and that resembles institutes of the consecrated life, are governed only by the particular law of their own Church *sui iuris* or established by the Apostolic Se." CCEO c. 572.

Unless otherwise stated in the statutes, the definitively incorporated clerical members of the Society shall be ascribed as clerics into the Society by the diaconal ordination.<sup>2</sup>

The Constitutions of the MST, article 14 on clerical ascription too gives an exception:

The members are ascribed to the Society as clerics through the reception of the sacred order of diaconate, unless otherwise provided for particular cases.<sup>3</sup>

Noteworthy is this exceptive clause, "unless otherwise provided for particular cases." With regard to clerical ascription in Societies of apostolic life, both CIC 1983 and the Particular Law of the Syro-Malabar Church, give a provision to be incorporated into the Constitutions of each Society of apostolic life a different mode of clerical ascription. Before we study this exceptive clause, it is appropriate to make a short study on general norms of incardination or ascription in both codes.

### 1. Entities of Incardination in CIC 1983

Every cleric must be incardinated into some particular Church or personal prelatore<sup>4</sup> or into an Institute of consecrated life or Society endowed with this faculty so that unattached or transient clerics are not allowed at all (CIC c. 265).

A "particular Church" includes the following: diocese, territorial prelatore, territorial abbacy, apostolic vicariate, apostolic prefecture, and an apostolic administration erected on a stable basis (CIC c. 368).

Religious Institutes incardinate clerical members. Canon 266 says that religious Institutes have the faculty to incardinate its members. It specifically treats -the members of religious Institutes who have taken

---

<sup>2</sup> *Synodal News*, Bulletin of the Syro-Malabar Church, Syro Malabar Major Archiepiscopal Curia, Kakkanad, vol. 9, nn. 1 and 2, December 2001, art. 12, p. 111.

<sup>3</sup> *Constitutions and Directives*, The Missionary Society of St Thomas the Apostle, Melampara, 1997, art. 14, p. 9.

<sup>4</sup> A personal prelatore consists of presbyter and deacons of the secular clergy, presided over by a prelate as its proper ordinary. The prelate is the authority competent to incardinate (cc. 294- 295). *Opus dei* is the current example of such a prelatore.

perpetual vows. As seen in the canon, the norm does not distinguish religious Institutes of diocesan or pontifical law.

According to canon 266 §2, Societies of apostolic life incardinate clerical members who are definitively incorporated into it unless their statutes determine otherwise.

Secular Institutes do not incardinate, unless the Apostolic See has established that a particular secular Institute can incardinate (c. 266 §3). The members of the secular Institutes resemble diocesan priests and differ from religious and members of Societies of apostolic life. They are normally incardinated into the particular Church for which they are being ordained. Members so incardinated in their dioceses are subject to their diocesan bishops except in matters which concern the consecrated life of the Institutes.

Persons who are competent to incardinate are the following. The diocesan bishop, or the person equivalent to him in the prelature, abbacy, etc., is the proper authority for incardination. When a see is vacant, an apostolic administrator (one named by the Apostolic See) can incardinate and change incardination with the same authority as a diocesan bishop. A diocesan administrator (one elected by the consultors) can grant initial incardination at any time with the consent of the college of consultors (CIC c. 1018 §1, 2). For other incardination or excardinations, the diocesan administrator can do this only with the consent of the college of consultors (CIC c. 272).

## **2. Entities of Ascription in CCEO**

CCEO uses the term Ascription instead of Incardination. According to CCEO c. 357, there can be no clerics who are not ascribed in any diocese or Institute. Every cleric is to be ascribed as such in an eparchy, or a religious Institute, or other Institutes or associations<sup>5</sup> which have obtained from the Apostolic See the right to enroll clerics, as some secular Institutes, or in patriarchates. This canon determines the following things; 1) “ all clerics should be ascribed as *clerics* (that is, apart from their ascription through baptism or residence, etc., precisely as clerics), permitting no “freelance” or “acephalous” clerics; 2) that this clerical ascription can be to a variety of ecclesial bodies or

---

<sup>5</sup> CCEO c. 579. “Nulla consociatio Christifidelium propria membra ut clericus sibi ascribere potest nisi ex speciali concessione a Sede Apotolica vel, si de consociatione, de qua in can. 575 §1, n. 2, agitur, a Patriacha de consensu Synodi permanentis data.”

institutions (eparchy, exarchy, religious Institutes, like Society of common life, or association that has obtained this right); 3) lets Particular Law keep clerical ascription to the Patriarchal Church, 4) ascription to the eparchy is typical for the other units or ecclesiastical bodies."<sup>6</sup>

### 3. Transmigration in CIC 1983

The concept of transmigration in both codes is new. In the 1983 Code, the norm for the transmigration of clerics was promulgated as canon 271§§1-3:

§1 Apart from the case of true necessity of his own particular Church a diocesan bishop is not to deny permission to clerics, whom he knows are prepared and considers suitable and who request it, to move to regions labouring under a grave lack of clergy where they will exercise the sacred ministry. He is also to make provision that the rights and duties of these clerics are determined through a written agreement with the diocesan bishop of the place they request.

§2 A diocesan bishop can grant permission for his clerics to move to another particular Church for a predetermined time, which can be renewed several times. Nevertheless, this is to be done so that these clerics remain incardinated in their own particular Church and, when they return to it, possess all the rights which they would have had if they had been dedicated to the sacred ministry there.

§3 For a just cause the diocesan bishop can recall a cleric who has moved legitimately to another particular Church while remaining incardinated in his own Church provided that the agreements entered into with the other bishop and natural equity are observed; the diocesan bishop of the particular Church, after having observed these same conditions and for a just cause, likewise can deny the same permission for further residence in his territory.

So we see in the common law a provision is given for the cleric while keeping his incardination/ascription in the diocese for which he is ordained, to move to another for various reasons given in the norms. Among the reasons, evangelization is overriding.

---

<sup>6</sup> G. Nedungatt, *A Guide to the Eastern Code, Rome, 2002*, 282. Out of 10 canons of the newly proposed canons by Group IV, 5 and 6 deal with transmigration. *Nuntia* 7 (1978) 11.

#### 4. Transmigration in the Oriental Code

In 1975 what is known as “group IV” of the Commission for the Revision began revising the section's norms concerning clerics in *Cleri sanctitati*. In the new law there is one novelty by giving provision for *transmigratio* (“transmigration,” that is, temporary transfer; or a “move”).<sup>7</sup>

#### 5. Transmigration in *Ius vigens*

It is significant that CCEO defines the norm as mainly for the evangelization of the Universal Church. Transmigration is different from the transfer. Transmigration is a temporary arrangement for ministry in another eparchy, keeping one's ascription under conditions specified in the canons. “Transmigration ends according to the terms of the convention or changes into the automatic transfer if the conditions laid down by in c. 360§2 are fulfilled.”<sup>8</sup>

Canon 360 §1. Retaining his ascription, a cleric may move to another eparchy for a specified time, which is renewable more than once. For this a written agreement between both the eparchial bishops must be made in which the rights and obligations of the cleric or of the parties are determined.

§2. Five years after a lawful move a cleric is ascribed *ipso jure* in the host eparchy, if, after this desire of his was manifested in writing to

---

<sup>7</sup> G. Nedungatt, “Clerics,” *A Guide to the Eastern Code*, 283.

“Of these two canons, based on *Ecclesiae sanctae* I, n. 3 (cf. Vat II, *Presbyterorum Ordinis* n. 10), the former defines the procedure of transmigration and the latter deals with its principal reasons and conditions. The scope of transmigration can be either to lend clerical service to a needy eparchy or the initial and experimental stage of a change of eparchy culminating eventually in transcription. *Nuntia* 7 (1978) 11.

In 1981 the Commission for the Revision combined all of the section of canons concerning clerics (*De Clerici*) into one entity and included the section entitled “Concerning Clerical Ascription in Some Eparchy” (*De adscriptione clericorum alicui eparchiae*) from canon 42 to canon 51. *Nuntia* 13 (1981) 103-105. Within this schema the two norms are almost completely unchanged except for their numbers that had been changed into canons 46 and 47. The consultation of the various committees, consultative organs, and individual experts in 1985 are of particular interest because of their timing following the promulgation of the CIC 83. *Nuntia* 20 (1985) 59-63.

<sup>8</sup> G. Nedungatt, “Clerics,” *A Guide to the Eastern Code*, 283.

both eparchial bishops, it was not objected to by either of them in writing within four months.

Canon 361. A cleric who is solicitous about the universal church, chiefly for the sake of evangelization, is not to be denied a transfer in ascription or a move to another eparchy labouring under a severe shortage of clergy, so long as he is prepared and suitable for carrying out the ministry there, except for a true need in his own eparchy or Church *sui iuris*.

A Cleric has no right to it. He can request it, and his hierarch discerns the cleric's request considering the needs and utility of the Church and the cleric's qualities. The motive of transfer and transmigration is service not any personal gain.<sup>9</sup>

With this background, let us proceed to our next argument. Six of the sixteen missionary Societies of pontifical law have incorporated the option of double incardination into their Constitutions. The members of these Societies are either incardinated into the Society or remain incardinated in their home dioceses. So we examine the provision given in CIC 1983 and its influence on missionary Societies in France.

## 6. CIC 1917 and the Praxis of Clerical Incardination

CIC 1917, c. 673 §1 gave these Societies a legal status in the Church, which was distinct from that of religious orders and congregations. Canon 678 stated that in addition to the subject of studies and matters pertaining to the reception of orders for members, these Societies were also governed by the same laws as those for secular clerics, without prejudice to the particular prescriptions given by the Holy See.

According to the prescriptions of canon 111 §2 in the 1917 Code, unless Particular Law provided otherwise, clerical members of these Societies were incardinated, by virtue of universal law, into the diocese for which service they were promoted.

Some of the missionary Societies requested for the indult to be issued by Propaganda, taking into account the other provision of incardination in the Society. Propaganda issued indults to some of these Societies to incardinate the members into the Society with the promissory oath with the effect of excardination from their dioceses of origin. This was similar to the profession of perpetual vows that

---

<sup>9</sup> G. Nedungatt, "Clerics," *A Guide to the Eastern Code*, 283.

incardinated the candidates in religious orders or congregations with the effect of excardinating them from their diocese of origin.

The canonical praxis after the promulgation of CIC 1917 and the indults given by Propaganda Fide, with regard to incardination of members into the Societies, were not welcomed by some of the members of the missionary Societies. According to them it was against the founding spirit and the vision of the pioneer members. They considered taking the promissory oath of incorporating members with the effect of excardination from the diocese of origin cut them off from their roots. Some of the Societies, in their general chapters, studied the problem as a reaction or response to this. In the second chapter, we have examined in detail the response of the PIME to this issue. In the next section of our study, we shall consider the response of the five Societies to the problems raised by some of the members of these Societies.

### **7. CIC 1983 and Canonical Praxis of Incardination**

The 1983 Code states that through the reception of diaconate, the definitively incorporated members of these Societies are incardinated as clerics into the Societies unless their Constitutions establish otherwise. So in the 1983 Code, we see a major change from the 1917 code. In the 1917 Code, it was only by an exception that the members were incardinated into the Society, whereas in the 1983 code, the incardination in the Society itself is the norm for members of clerical Societies of apostolic life and only by way of an exception other possibilities: “unless the Constitutions establish otherwise.”

Let us see the principles that influenced the Paris Foreign Mission Society (MEP), which responded to this exceptive clause.

### **8. Paris Foreign Mission Society**

With the promulgation of CIC 1983, the MEP, the prototype of all missionary Societies, came to be the first missionary Society to reintroduce the former practice into its Constitutions through the option provided by canon 736 § 1.

The MEP in its 1988 Constitutions, article 7,<sup>10</sup> provides for the clerical members to be incardinated either in the Society or in a diocese. If the

---

<sup>10</sup> Cf. *Missions Étrangères de Paris, Constitutions et Directoire, Paris, 1988, art. 8.*



member takes up the latter provision, it is a contract that determines the responsibilities of the bishop of the diocese, the superior general, and the missionary concerned.

Article 8 of the Constitutions of the MEP gives the provision for those clerical members who wish to acquire incardination into a diocese of their country of origin. According to this article, the initiative comes from the member of the Society. The member concerned who wishes to acquire or maintain the home diocesan incardination is to request it from the bishop of that diocese. The bishop will regulate with the superior general the details of this incardination. The superior general has to get the consent of his Council. This agreement specifies the three-way relationship between the member concerned, the superior general, and the bishop.

The relationship between bishop, the Society, and the member concerned is specified in the contracts. Even if the member wishes to retain his incardination in the home diocese, he remains aggregated or incorporated in the Society. If a member, already aggregated in the Society, desires to be incardinated in a diocese in France, an agreement clarifies his new situation.<sup>11</sup>

The ecclesiological principle or reason is given in the preamble to the contract.

Set apart to go and preach the Gospel to far away people, the missionary keeps solidarity with his community of origin. In effect, mission takes its birth from the faith of the people of God and from the faith of each one of its members.

"By virtue of the Holy Spirit who has been given to them, bishops have been constituted true and authentic teachers of the faith (*Christus Dominus* 2)." Consecrated not only for their own dioceses but also for the salvation of the whole world, they should have concern for all the Churches and concern themselves that the whole of their own dioceses should become missionary.

On their part, the priests of the Paris Mission Society are secular priests. They are conscious of representing the missionary effort of the Church from which they come. By incardination they wish to manifest the permanence of the bonds, which unite them with their

---

<sup>11</sup> cf. C. Duster, *The Canonical Status of Members of Missionary Societies of Apostolic Life of Pontifical Right*, Rome, Corpus Publications, 1994, 224.

dioceses of origin. In virtue of these bonds and their insertion into the presbyterate of the Church of adoption, the missionaries are effective signs of the communion between Churches.

The missionary, therefore, will be very conscious during his apostolic life of keeping in contact with the diocese into which he will be incardinated. In this way, but especially during the periods of his vacations in France, he will contribute to the missionary animation of his diocese of origin.

### **8.1 Reciprocal Responsibilities**

The reciprocal responsibilities can be deduced from the details of the contract. The Society is responsible for the upkeep of members, in accordance with the Constitutions, whether they enjoy good health or bad. The members of the Society will be registered with the French National Social Security Plan.

The Society looks after the members in retirement and will provide help to those who are prevented by age from continuing active ministry. The Society is also responsible for the members' periodic holiday expenses from the place of assignment to France (art. 2).

If the superior general judges that the priest cannot return to an assignment in the missions, his membership in the Society will not be affected. An appropriate ministry for such a member must be found by the superior general (art. 3).

To dismiss the member from the Society or for the member to leave the Society needs the consent of the bishop concerned. In that case, the priest comes under the bishop. Once the bishop accepts him, the Society no longer has any responsibility for him. If it happens that the bishop does not accept him, the superior general will attempt to find a bishop who will accept the priest, *saltem ad experimentum*, with a view to his eventual incardination in that diocese. With this, the responsibility of the Society towards the member is terminated.

If, in case of inability to take up a responsibility in the diocese due to ill health, or advanced age at given time, he is incardinated in a diocese through either of the above mentioned processes, a particular contract between the diocese and the Society will set out their respective responsibilities concerning the support of the priest in his old age and retirement (art. 4 b).

If the priest is not accepted by the bishop of his diocese of origin and finds no other bishop who is ready to incardinate him, the Society is responsible for him (art. 4 c).

In the case of a priest who, without obtaining a new incardination, exercises a function within the diocese, a contract can be made between the Ordinary of that diocese and the superior general. According to the models approved by the bishop's secretariat, it has to determine their respective responsibilities toward the priest (art. 4d).

Any changes affecting the priest are to be communicated by the superior general to the diocesan bishop. The priest also is to maintain regular relations with his diocese. He has to keep the diocese informed concerning his apostolic activity (art. 5).

It is significant that the MEP, the first of the mission Institutes to be approved as a missionary Society, is directly responsible to the Congregation for the Evangelization of the Peoples and the prototype of many other missionary Societies within the Church, should be the first to return to a juridical practice that was part of their tradition before the 1917 Code. This traditional relationship forcefully demonstrates their connection with their dioceses of origin and clearly emphasizes the vision of the founders of such Societies.

### **9. Clerical Ascription in the Missionary Society of St Thomas the Apostle**

We shall discuss the practice of clerical ascription in the Missionary Society of St Thomas the Apostle. The basis of the study is article fourteen of its Constitutions and Directives. It states,

"The members are ascribed to the Society as clerics through the reception of the sacred order of diaconate, unless otherwise provided for particular cases."<sup>12</sup>

According to this article, the clerical members are normally ascribed to the Society. However, the Constitutions of the MST give the possibility of an alternate mode of ascription.

---

<sup>12</sup> *Constitutions and Directives*, The Missionary Society of St Thomas the Apostle, Melampara, 1997, art. 14, p. 9.

### **10. MST Missionary Institute of the Syro-Malabar Church**

The Missionary Society of Saint Thomas the Apostle is an indigenous missionary Institute of the Syro-Malabar Church. It is a missionary Institute “sponsored by the Syro-Malabar Hierarchy.”<sup>13</sup> The Missionary Society of St Thomas the Apostle was canonically erected on 22 February 1968 by Mar Sebastian Vayalil, the first bishop of the diocese of Palai, India, in concurrence with the bishops of the Syro Malabar Church and in consultation with the Holy See.<sup>14</sup>

### **11. Influence of the Teachings of the Second Vatican Council**

MST, as a missionary Institute of the Syro Malabar Church is to be seen as a missionary response of the hierarchy of this Church to the teachings of the Second Vatican Council.<sup>15</sup> The teachings of the Second Vatican Council that every Christian is a missionary and the bishops are particularly responsible for organizing the missionary activities of the church and for considering the question of sending diocesan priests for the evangelization of the nations, for the advice of founding missionary Institutes and seminaries of diocesan clergy for the missions (AG 38) inspired the missionary enthusiasm of the diocesan clergy of the Syro-Malabar Church.

### **12. MST shares the Obligations and Rights of the Syro Malabar Church**

The vision of the founder of the MST coincides with the ecclesiological vision of the Second Vatican Council. The Decree on the Oriental Churches article 3 establishes in clear terms that the evangelization duty pertains equally to all individual Churches. MST is a missionary Society of the Syro-Malabar Church with an exclusive missionary scope, and it has to remain faithful to the identity and heritage of this Church in all its missionary activities. MST has to accomplish the universal obligation of the missionary nature of the Syro-Malabar Church.

---

<sup>13</sup> Cf. S. Vadakel, *An Indigenous Missionary Endeavour*, OIRSI, Kottayam, 1990, 83

<sup>14</sup> The Decree, *The Syro Malabar Major Archiepiscopal Church of Ernakulum-Angamaly*, Prot. No. 700/97.

<sup>15</sup> S. Vadakel, *An Indigenous Missionary Endeavour*, 96.

### 13. The Promise of Incorporation

The members of the MST are priests and candidates to sacred orders who, through the promise of incorporation, dedicate themselves to mission *ad gentes* in and through the Society. The juridical act that makes a person a member of MST is the act of incorporation, which is affected by a promise taken.

The promise of incorporation is a sacred bond between the Society and its members. The members are bound to live the life of a missionary according to its Constitutions and Directives.<sup>16</sup> The voluntary subjection of the individual to the Society and the voluntary acceptance of the individual by the Society realizes the incorporation. This act does not make them religious, but only members of the Society, and places them under the obligation of living the life of a missionary in accordance with the Constitutions and Directives under the guidance of the superiors.

Although this act does not have the juridical effect of a vow, it produces the effect of making one a member of the Society. It is a sacred bond in response to his divine vocation, the member knowingly and willingly commits himself to the Society, and to the missionary apostolate. "Incorporation, in turn, implies that the member is constituted real part of the Institute, subject to the laws and the obligation of the Institute, and likewise entitled to all its favours and benefits."<sup>17</sup> The MST makes a clear distinction between incorporation and ascription. The present Constitutions of the Society clearly separate incorporation into the Institute and ascription. Membership in the MST shall be acquired by making the perpetual promise, which incorporates the members to the Institute. It also has the effect of ascribing those deacons and priests in the Institute.

### 14. Clerical Ascription in MST

The members are ascribed to the Society as clerics through the reception of the sacred Order of Diaconate.<sup>18</sup> There is an exceptional clause, "unless otherwise provided for particular cases"<sup>19</sup> given in the Constitution and Directives of the MST.

---

<sup>16</sup> Constitutions and Directives, MST C. 9

<sup>17</sup> B. J. Ristuccia, *Quasi-Religious Societies*, Washington, 1949, 62

<sup>18</sup> Constitutions and Directives, MST C. 14

<sup>19</sup> Constitutions and Directives, MST C. 14

At present, all members of the MST are scribed to the Society.

### **15. Clerical Ascription in Home Dioceses**

The local Churches are the first ones to be directly responsible for evangelization within their territory. Local Churches and Ordinaries are responsible for directing and promoting every type of missionary work in their own Churches (AG 30). The role of the missionary Societies, therefore, is one of participation and collaboration with the local Church, to help the missionary Church at the invitation of the local Ordinary. The task of evangelization remains and demands 'full-time missionaries.' Much is left to the Particular Law of the individual Society to define and determine the particular identity of each Society. This is an encouragement for these Societies to choose freely the concrete means of evangelical life best adapted to their mission and thus to develop their own specific identity and mission in the Church.

The provision of the ascription of members other than in the MST has a dimension of having ties with the diocese of origin, which can be expressed through ascription in one's own home diocese. Consequently, the missionary will have solidarity with the faithful of origin, the *presbyterium*, and the bishop of the same diocese. A missionary is part of the diocese and represents the diocese from which he is sent. In this sense, the member shares the missionary responsibility of the bishop of the home diocese in which he remains ascribed and is at the same time incorporated into the Society.

The renewed teaching of the Council led to close collaboration and relationship between missionary Societies, bishops, and priests of the local Churches. In response to these teachings of the Council, the Societies of apostolic life are given the freedom to determine the mode of incardination. So, the mode of incardination is now determined by the Constitutions of the particular Society. The request to remain incardinated in the home diocese comes from the clerical member. It is not imposed on anyone. In order to bring about this incardination in the diocese of origin, the bishop must give his consent. The relationship between the bishop and the cleric is defined by a contract between them and the Society. The clerical member in question remains in the Society under the guidance of the superior and must continue to be faithful to the Constitutions of the Society. His missionary work is now seen as a part of the bishop's responsibility for the other Churches. The missionary Society for its part must maintain and support the priest, who is now incardinated in his

diocese of origin, as a full member of the Institute with all the rights and duties such membership entails. It guarantees his spiritual care and educational needs and provides for him when he becomes ill and in old age. The Society is to nurture the relationship between the priest and his bishop, and inform the bishop of the priest's assignment. If the priest leaves active missionary duty, he remains a member of the Society. It is then up to the superior to find him a suitable occupation either inside or outside the Institute.

This option helps the member to be aware of the universal mission of the concerned dioceses. By being aggregated members of the Society and through the Society, they are sent for *ad gentes* mission. This expresses at once their dedication to the missionary activity of the universal Church and the active participation of their Church of origin in the work of evangelization. As a sign of their priestly link to their diocese of origin, members of the Society shall obtain ascription in their own diocese, still keeping a full and complete incorporation in the Institute. In such cases, a special contract will be drawn according to the norms agreed upon and the interested MST member.

### **Conclusion**

The Second Vatican Council decree, *Ad Gentes*, invites the local Churches to remember that they have been sent to those who do not believe in Christ (AG 20), to participate in the universal mission of the Church as soon as possible and to send missionaries to preach the Gospel throughout the whole world, even though they are themselves short of the clergy. Missionaries are sent from local Churches to local Churches and the maintenance of this relationship and solidarity with the community of the missionary's origin is an effective way of carrying out the missionary responsibility entrusted to the Church by the Lord. This option given in the Constitutions of these Societies help them to preserve the diocesan character of the clerical members of these Societies. We have also seen that both CIC and CCEO give provisions for transmigration. The temporary move for the purpose of evangelization is a significant canonical provision. With the Second Vatican Council, we see a major shift from the juridical understanding of the canonical principle of clerical ascription to a theological understanding. Since then, clerical ascription is understood as a practical application of the theological understanding of the role of

priests and deacons as co-operators with their bishop in the ministry of the Church.<sup>20</sup>

Before the Second Vatican Council, both Latin (CIC 1917 cc. 116-117) and Eastern (CS cc. 50-51) codes saw clerical ascription as, in principle, unchangeable, and a transfer was rare and difficult. The teachings of the Second Vatican Council on clerical ascription eased this rigidity.<sup>21</sup>

In its concern for the universal mission of the Church and the promotion of priestly vocations, the Second Vatican Council and the recent Popes have called upon the bishops to be solicitous for all the Churches. Likewise, the Popes and the Councils have spoken of the unity between bishop and priest, as well as of the priest sharing in the responsibility of the bishop for the universal Church. This responsibility is clearly spoken of in *Lumen Gentium*, *Presbyterorum Ordinis*, *Christus Dominus*, and *Ad Gentes*.

The Council Fathers spoke of the priest as being united with the bishop by reason of his sacerdotal dignity and Orders. Representing the bishop, he must be ready to be at the disposal of the diocese and the whole Church. The dependence of presbyters on the episcopacy is strongly emphasized by the assertion that they share in Christ's authority over his Church inasmuch as they are united with, and co-operators in the order of bishops.

As a result of the Second Vatican Council, significant changes have been made in the law of the Church on clerical ascription. Since the Second Vatican Council, the magisterium has often spoken of the local bishop's role in caring for the universal Church. If the bishop is to be faithful to his mission as successor of the apostles, he must fulfil his responsibility to universal mission. The Second Vatican Council greatly enhanced this teaching by stressing the role of the bishops as successors of the apostles and as members of the Episcopal college. Each bishop, each priest, each local Church, and in fact, each person in the Church, shares in the mission of Christ, passed down through the apostles to proclaim the Gospel of Christ to all people. Here comes the role of missionary Societies founded for the purpose of mission *ad gentes* as missionary expressions of the home diocese. 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

---

<sup>20</sup> SC 6-7; LG 28-29; PO 1-9.

<sup>21</sup> G. Nedungatt, "Clerics," *A Guide to the Eastern Code*, 283.



missionary Society exists not for itself but as an instrument of the living communion between the sending and the receiving Church (AG 17, 37). The clerical members of Societies of apostolic life who remain ascribed to home dioceses belong to the home dioceses by origin and mission, and belong to the universal Church through their priestly and missionary work.

As the Church is missionary by her very nature (AG 2), so too the MST as a missionary Institute of the Syro-Malabar Church is by its very nature missionary. Article two of the Constitutions of the MST affirm it as "a missionary Institute of the Syro-Malabar Church." The purpose of the Society is the mission *ad gentes* in India and outside. As the MST is the missionary Institute of the Syro-Malabar Church, it shares in the mission *ad gentes* responsibility of this Church. In this sense, the exceptive clause with regard to clerical ascription given both in the Particular Law of the Syro-Malabar Church and the Constitutions of the MST is appropriate. A few practical problems that may affect their dual allegiance; division of commitment of the member that may be brought about by loyalty to the home diocese and the Society; and undue interference from bishops. Foreseeing all these practical problems, while at the same time holding on to the ecclesiological and theological principles, the implementation of this exceptive clause should be done only after a thorough dialogue and discussion at the highest levels.

I am greatly indebted to Professor Dr George Nedungatt an erudite Canon Law Professor. I came to know him in the year 1998 at Pontifical Oriental Institute, Rome. He is competent in clarifying any canonical doubts. His sharp memory and intellectual capacity to comprehend any canonical term are really amazing. He was very demanding, and he wanted his students to work hard. His canonical clarification, prompt availability, and correction are praiseworthy. He respected the opinions of others. I am very fortunate to have him as my guide for my doctoral dissertations. Thank you Prof. George Nedungatt for accompanying me in my canonical studies.