

Editorial

FIAT IUSTITIA RUAT CAELUM

Varghese Koluthara CMI

Editor-in-Chief

The Institute of Oriental Canon Law (IOCL) erected at Dharmaram Vidya Kshetram by the Dicastery for Culture and Education on 29 March 1999 celebrates its silver Jubilee this year 2025. Ten years after its existence, *Iustitia*, the journal was launched by this Institute and it has already received the attention of Canon Lawyers from all over the world. Each of the volumes of *Iustitia* tried to portray the clamour for justice in the Church in its various dimensions.

The theme chosen for the silver jubilee academic workshop of the IOCL is "*Fiat Iustitia ruat caelum.*" Professors from all the three Canon Law institutes in India, namely, the Institute of Oriental Canon Law (IOCL) at Dharmaram College, Bangalore, the Centre of Canon Law for the study and specialization of Latin Canon Law at St. Peter's Pontifical Institute, Bangalore, and the Institute of Eastern Canon Law at Vadavathoor, Kottayam, Kerala, took part in this academic workshop. It gave a golden opportunity for the students and the alumni of IOCL and the students of the Centre of Canon Law at St. Peter's, to raise questions on justice which nourished their minds and hearts.

The Latin phrase chosen for the academic workshop "*Fiat Iustitia ruat caelum,*" means that "let justice be done though the heavens may fall." It is a legal maxim that emphasizes the importance of justice and the rule of law, even if it has significant consequences. In general, justice is an essential value in all the societies and is governed by the application of the law. It aims to ensure that actions are taken truthfully and that each person receives what is due to him, acting objectively and fairly. It has relevance in the fields of law, ethics and philosophy. Justice asks the people to be treated impartially, fairly, properly and reasonably by the law and by those who handle the law. Every legal system of the world should be governed by the three principles of equality, fairness, and accessibility. It may be

difficult to draw out universal principles by which justice or injustice can be defined.

How Jesus administered justice in His life-time is always inspirational to all the canonists. In the Gospel passage, where Jesus was tested by the pharisees, is revealing His sense of justice. He was asked by the Pharisees, "Tell us then, what you think: is it against the Law to pay taxes to Ceasar? Should we pay them or not?" But Jesus understood their evil intent and said to them, "Whose head is this, and whose name?" They answered, "Ceasar's." Then Jesus replied, "Then, give to Caesar what belongs to Caesar, and to God what belongs to God" (Mt. 22:17-21). Here Jesus is setting the tone of Christian Justice. Jesus is responding to a question about paying taxes to the Roman government, by which essentially, He is saying that one should fulfil their civic duties to the state while still giving ultimate allegiance to God.

The Gospel passage on adulterous woman is another excellent example to demonstrate how Jesus administers justice with the sweetness of Mercy. The passage reads, "at dawn He appeared again in the temple courts, where all the people gathered around him, and he sat down to teach them. The teachers of the law and the Pharisees brought in a woman caught in adultery. They made her stand before the group and said to Jesus, "Teacher, this woman was caught in the act of adultery. In the Law Moses commanded us to stone such women. Now what do you say?" They were using this question as a trap to have a basis for accusing him. But Jesus bent down and started to write on the ground with his finger. When they kept on questioning him, he straightened up and said to them, "Let anyone among you has no sin be the first to throw a stone at her." He again stooped down and wrote on the ground. At this, those who heard began to go away one at a time, the older ones first, until only Jesus was left, with the woman still standing there. Jesus straightened up and asked her, "Woman, where are they? Has no one condemned you?" "No one, sir," she said. "Then, neither do I condemn you," Jesus declared. "Go, and do not sin again" (John 8 :2-11). Here, Jesus reveals Himself as the merciful Judge and Saviour. He criticises the Pharisaic hypocrisy of observing the law to its letter, but not fulfilling its spirit. Here Jesus shows that He is a merciful Judge who does not approve of sin, but forgives the sinner. He sets the model for Christians, judges and especially to canonists. He does not merely adhere to the letter of the Law, rather, He is guided by its spirit.

All the articles in this issue of *Iustitia* bring out different dimensions of justice which were presented by various scholars at the IOCL jubilee workshop held at Bangalore from 16 to 18 January 2025, and they are giving us clear indications regarding different aspects of ecclesiastical governance in administering justice in the Church.

John D Faris in his article "No Bishop is an Island: The Council of Nicaea and Collaborative Decision-Making," examines the development of collaborative decision-making within the Catholic Church, rooted in the Council of Nicaea (325 CE). It highlights the evolution from pre-Nicene practices to formal governance structures based on collegiality, accountability, and shared responsibility. The Council of Nicaea formalized processes like the appointment of bishops (c. 4), management of excommunications and synods (c. 5), and the establishment of hierarchical jurisdictions (c. 6). These canons balanced collective and individual authority, fostering unity while incorporating diverse input among bishops. The council's metropolitan structure, inspired by Roman administrative models, was adapted to ecclesiastical needs. Modern governance, as reflected in the *Code of Canons of the Eastern Churches*, continues to emphasize consultation, consent, and collective discernment in areas like leadership elections, liturgical approvals, and disciplinary actions. This collaborative approach ensures decisions are transparent, accountable, and guided by communal wisdom and the Holy Spirit. The study underscores that no bishop governs in isolation, affirming the Church's synodal nature and unity in fulfilling its mission.

Pablo Gefaell, through his article "The Teaching of Oriental Canon Law in the Formation of Latin Canonists," examines the relevance of the two Codes of Canon Law in the Church and affirms that all Churches *sui iuris* enjoy the same dignity in the Catholic Church. He also explains other areas of interrelationship between the Eastern and Latin disciplines, legal relations with the Orthodox Churches and the reasons for primacy in the universal Church. He concludes his article stating that the Orthodox Churches have true canon law because they are "Churches" and have episcopates.

Merlin Rengith Ambrose, in his article "Primacy of Justice in the Revised Penal Sanctions in the Church," delves deep into the revised Book VI of the CIC 1983 and the pertinent penal canons of the CCEO, with a particular focus on the highlighted primacy of justice within the Church's updated penal system. In the light of Pope Francis's documents, *Pascite gregem Dei* and *Vocare peccatores*, the revision

emphasizes the obligation of Church leaders to uphold justice, prioritizing it in the implementation of penal sanctions. This transformation is reflected in the reordering of the threefold purposes of penalties: the restoration of justice, the reformation of the offender, and the reparation of scandal, with justice taking precedence. The article examines how this revision marks a shift from discretionary to mandatory penalties, from indeterminate to determinate penalties, and restricts the application of *latae sententiae* excommunications—efforts aimed at ensuring that justice is upheld. It elucidates how the revised penal system within the Catholic Church restores justice through revised censure, expiatory penalties, and penal remedies, while also highlighting amendments in the canons concerning prescription. Additionally, the article explores the vital importance of a fair process and the right of defence for the accused, emphasizing that justice must be harmonized with mercy and pastoral charity, ultimately seeking the salvation of souls.

In his article “Justice and Mercy in Ecclesiastical Penal Actions: Insights from Recent Reforms in CCEO,” George Thekkekkara narrates the application of justice and mercy in ecclesiastical penal law, focusing on recent reforms in the *Code of Canons of the Eastern Churches* (CCEO) introduced through *Vocare Peccatores*. It explores the Church’s mission to uphold justice while fostering repentance, addressing key aspects such as the occurrence of delicts, the addition of new offences and penalties, and the role of warnings as corrective measures. The study further analyses judicial discretion, the principles for applying penalties, and the impact of aggravating or extenuating factors, including prescription in penal norms. By assessing these developments, the author explains how recent penal reforms enhance canonical discipline, ensuring fairness, proportionality, and pastoral care in penal procedures.

Varghese Palathingal, in his article “Administration of Justice and Relevance of *Oikonomia* in Canonical Procedures,” explores the administration of justice in the Church. It entails application of canonical norms to resolve disputes, address grievances and promote justice and equity. *Oikonomia* emphasises the importance of mercy and compassion. The common goal is salvation of souls and promotion of the common good. The author seeks to elucidate the spirit of the principle of *Oikonomia* and unveils the perspectives of the Catholic Church and the Orthodox Churches in its application in canonical procedures.

"The Role of the Promoter of Justice in Safeguarding Justice in the Church," is the theme of T. Lourdusamy. He explains in his article, how Promoter of Justice plays a key role in the Church's trials and processes, especially in penal and contentious cases. Whenever the public good is endangered, the promoter of justice intervenes as prescribed by the law or by the nature of the matter. His primary duty is to safeguard the public good. Every diocese must have a promoter of justice who can be appointed either permanently or on an *ad hoc* basis, for all cases or singular cases. Whenever the law requires their presence in any trial or procedure, the acts of the case become invalid if he or she is not summoned.

Roy Joseph Kaduppil, in his article, "the Systems of Judicial Procedures: Ecclesiastical Laws *vis-a-vis* Indian Civil Laws" explores the comparative judicial procedures in ecclesiastical and Indian civil law, emphasizing their respective legal frameworks and philosophical foundations. It examines the structural distinctions between the adversarial and inquisitorial systems, highlighting how these systems operate in ensuring justice. The adversarial model, dominant in Indian civil law, is characterized by party-driven litigation, judicial neutrality, and procedural safeguards, whereas the inquisitorial system, prevalent in ecclesiastical law, prioritizes judicial-led investigations and a truth-seeking approach. The study further analyzes procedural overlaps, including the integration of inquisitorial elements in Indian law, and adversarial features within ecclesiastical tribunals. It also critically assesses the strengths and weaknesses of both systems, evaluating their efficiency, fairness, and potential for legal reform. The research underscores the evolving nature of legal frameworks, advocating for a balanced approach that enhances justice and procedural integrity.

The Institute of Oriental Canon Law (IOCL) gratefully remember all those who supported the growth of this Institute up to this day, especially all those who contributed to this volume through their scholarly articles. Let the Institute grow into a full -fledged Faculty at the service of the Church, especially in India. Apart from these articles, this volume also contains regular book reviews and a documentation on the final statement on Synod on Synodality from the Holy See.