

Editorial

**THE PRINCIPLES OF SUBSIDIARITY AND
SYNODALITY IN THE ADMINISTRATION OF
RELIGIOUS INSTITUTES IN THE CHURCH**

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The origin, the growth and the development of religious institutes is the work of the Holy Spirit in the Church. In the book of Genesis, we read the following: "In the beginning when God created the heavens and the earth, the earth had no form and was void; darkness covered the deep, while the Spirit of God hovered over the waters."¹ So too, when the persecution of the Christians receded in the ancient Roman empire, there emerged a void for martyrdom in the Church and the Holy Spirit hovered over the Church and the individual Christians and communities started to follow the footsteps of Jesus radically. Thus, the eremitical and coenobitical life in the Church originated in the East.²

The governance and vitality of religious institutes in the Church are founded on theological, historical, and canonical principles, among which the principles of subsidiarity and synodality hold renewed significance today. The principle of subsidiarity, though often linked to Catholic social teachings, it safeguards the autonomy of individuals and local communities, allowing higher authority to intervene in their administration only when necessary. It reflects the Church's vision of human dignity, freedom, and co-responsibility. The synod on synodality was a brave attempt of Pope Francis to rediscover and inculcate the honourable legacy of the early Christian community to make the Church meaningful and relevant in the third millennium. Religious communities in the Church showed a kind of synodality in their functioning and the application of the principle of subsidiarity was operative in their general and provincial synaxes or chapters and in the functioning

¹ Gen. 1: 1-2.

² Cf., UR 15.

of councils at the local, provincial and general levels of their administration.

In the administration of religious communities right from the beginning, a culture of dialogue and participation was present. It is evident in the history of the evolution different religious communities of the Church by great leaders like, St. Pachomius (292-348), St. Basil (329 – 379), St Augustine (354 – 430), St. Benedict (480 – 547), St. Francis of Assisi (1181/2 – 1226), St. Dominic (1170 – 1221), St Catherine of Siena (1347-1380), St. Teresa of Avila (1515-1582), St. Kuriakose Elias Chavara (1805-1871), St. Mother Teresa of Kolkata (1910-1997) etc. They expressed and practiced the principle of subsidiarity and synodality in the administration of their religious communities. Probably, all these great leaders and founders of religious communities may not have expressed directly in their writings, the modern version of the principle of subsidiarity and synodality in the administration of their religious communities. But they were the leaders who instructed their community members to consider everyone equal in their communities and the authority was translated as service. As a part of their synodal culture, these leaders asked the participation of every member in their communities to take part in the important decisions making processes. Thus, they showed their readiness to listen to and the superiors elicited the freedom from each member of the community to express their views.

St. Basil instructed that superiors of his monasteries should listen to the experienced monks of their own communities before making serious decisions which may affect their own communities. St. Benedict continued this tradition of listening to the experienced and seniors of the community before making important decision of their communities. St. Francis of Assisi addressed himself as a brother and showed authority in terms of service. St. Theresa of Avila also instructed her community members to have the listening mentality of their own community members in the decision-making processes of her own Carmelite religious communities. St. Kuriakose Elias Chavara taught the CMI community that 'it is not the thickness of the walls of the monasteries that matters but the brotherhood among them that should guide them'. He also guided his community that they should behave like siblings born from a single mother. In his life, he executed the principle of subsidiarity when he was ordered by Archbishop Francis Xavier to leave Mannanam immediately stopping the construction of the first

indigenous monastery at Mannanam, Kerala, India.³ He believed in the providence of God and entrusted the responsibility to a lay brother, Jacob Kanianthara, to continue the construction of the first indigenous monastery at Mannanam, Kerala, India. This instance of entrusting Brother Jacob Kanianthara, the whole responsibility itself of constructing the first monastery, is a concrete example of how St. Chavara practiced the principle of subsidiarity. Finally, St. Mother Teresa of Kolkata (1910-1997) lived this principle of subsidiarity deeply in her work and leadership. She empowered her sisters to serve locally wherever they are appointed. Moreover, when she founded the *Missionaries of Charity* with the vision that each community of sisters should discern and respond to the needs of the poor of the locality. She delegated authority to regional and local superiors, ensuring that they could act swiftly to respond to immediate human needs.

This issue of *Iustitia* is having four articles on religious life especially on the *Code of Canons of the Eastern Churches*. Various scholars like, James Thalachelloor, Lorenzo Lorusso OP, Varghese Koluthara CMI, and Sr (Dr) Sibi CMC take up various dimensions of the Title XII of CCEO which deal with Monks and Other Religious as well as Members of Other Institutes of Consecrated Life. Sebastian Payyappilly CMI deals with Mixed marriage and the emerging issues connected with it and Mathew John explain the question of Bi-ritual issues.

James Thalachelloor through his article "Unveiling the Nexus: The Synergy between Vatican II and the Code of Canons of the Eastern Churches on Consecrated Life," introduces the title XII of CCEO. He explains the Second Vatican Council renewed the theology and mission of consecrated life, while the CCEO gave it enduring juridical form. This synergy shows theology and canon law enriching one another—law safeguarding, theology animating. Title XII of the CCEO makes a framework faithful to the Eastern tradition yet open to renewal, ensuring that consecrated life remaining prophetic, communal, and missionary, a lasting witness to the Kingdom of God and responsive to contemporary challenges.

Lorenzo Lorusso explains through his article "Diversi *motu proprio* di Papa Francesco e i *Mutamenti di alcuni Canoni del Titolo XII del Codice dei Canoni delle Chiese Orientali*" the various *motu*

³ Complete Works Bl., Chavara, Mannanam, 1990, vol. I, 24; Cf., Fr. Thomas Kochumuttom, *Blessed Kuriakose Elias Chavara*, Mumbai: St. Paul Press, 2014, 87.

proprios promulgated by Pope Francis. It is an Italian article. There are three *motu proprios* concerning the Religious Life in the Oriental Churches which modify some canons of the *Code of Canons of the Eastern Churches*. The following are the *motu proprios*: *Ab initio* (2019), *Competentias quasdam decernere* (2022) and *Expedit ut iura* (2023). The *motu proprio*, *Ab initio*, modifies the procedure of erecting a monastery *sui iuris* of eparchial right and that of a congregation of eparchial right. It needs today written permission of the Patriarch within the territorial boundaries of the patriarchal Church or the Apostolic See in other cases. The *motu proprio*, *Competentias quasdam decernere* explains the extension of five years that the Pope conceded for the indult of voluntary exclastration. And finally, the *motu proprio*, *Expedit ut iura* explains that the recourse time is extended up to thirty days against the decree of dismissal of a religious from the Institute or the member can make a request that the case be handled judicially.

Varghese Koluthara CMI researches in his article titled “Critical Evaluation of CCEO Title XII: Monks and Other Religious-Strengths and Weaknesses: Suggestions for Possible Prospective Changes,” and he analyses the canonical treatment of religious life in the *Code of Canons of the Eastern Churches* (CCEO) as dealt in title XII. It highlights that CCEO rightly restores the primacy of Eastern monasticism, giving it a distinct juridical status compared to the *Code of Canon Law* (CIC) of the Latin Church. The study praises CCEO’s clarity in defining various typologies of consecrated life and its emphasis on pneumatology, rightful autonomy, and the proper structure of monastic institutes. However, it critiques the CCEO for overemphasizing monasticism at the expense of apostolic religious institutes. It lacks norms on apostolates, formation of religious for apostolates, and on Societies of Apostolic Life. The article concludes by urging revisions to the Title XII of CCEO to better address contemporary apostolic needs while preserving the Eastern spiritual and monastic heritage.

Sr. Sibi CMC makes a clarion call in her article titled “A Call from Apostolic Mission to Eremitical Life: Exploring the Juridical Implications of CCEO Canon 570.” The author while making a brief account of the meaning, essence, and forms of eremitical life in ancient times, examines canon 570 of the CCEO, which addresses the possibility of religious within apostolic communities embracing

an eremitical life. The author then outlines the following themes: theological and liturgical foundations, the implementation of canon 570, and eremitical life in an *Ecclesia sui iuris*, in the early Carmelites, and in the CMC. The last part of the article is devoted to the establishment of the CMC contemplative house, the lifestyle of CMC ascetics, and its challenges in modern society.

Sebastian Payyappilly, CMI illustrates in his article titled "Mixed Marriage: Emerging Canonical Issues in the Context of Pastoral Care," the canonical and pastoral complexities of mixed marriages between Catholics and baptized non-Catholics. It analyses the requisite permissions, sacramental nature, and canonical form, while highlighting the tension between upholding doctrine and respecting religious freedom. The study underlines the pastoral imperative to support these families, facing challenges like faith transmission and inter-church collaboration to foster unity amidst diversity. The author advocates harmonizing the Eastern and Latin Codes regarding the role of a deacon in the canonical form of matrimonial celebration.

Mathew John Puthenparambil elucidates in his article titled "Faculty to Celebrate Sacraments in Another Rite," the mind of the Church today regarding the bi-ritual permissions. Every priest must celebrate the sacraments within his own rite and is forbidden from doing so in another rite without proper authorization. Priests of a particular Church *sui iuris* are intended to serve that same Church. Should a genuine need to work outside his rite arise, the priest is required to obtain a Bi-ritual faculty directly from the Apostolic See to make such a celebration lawful.

Apart from these articles, this volume of *Iustitia* also contains a book review as usual. We gratefully acknowledge our indebtedness to all the scholars for their scholarly contributions to this volume.