
Universidad de Navarra
Facultad Derecho Canónico

Joseph PATRICK CHINNAPPAN

Legislations and practice of subjection
of the members of the South Indian
province of the congregation of
the mission to the diocesan Bishop
and the privileges of the congregation
of the Mission

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Dr. Gerardus NÚÑEZ

Dr. Alvarus GONZÁLEZ ALONSO

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D. nus Eduardus FLANDES

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Legislations and practice of subjection of the members of the South Indian province of the congregation of the mission to the diocesan Bishop and the privileges of the congregation of the Mission*

Joseph PATRICK**

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** Abbreviations:

AAS	<i>Acta Apostolicae Sedis</i>
AG	<i>Ad Gentes</i>
c./cc.	Canon/ Canons
CCBI	Conference of Catholic Bishops of India
CCD	St. Vincent De Paul, Correspondence, Conference, Documents.
CLD	Canon Law Digest
CD	<i>Christus Dominus</i>

INTRODUCCIÓN

The religious carry out their apostolate under the guidance of the diocesan bishop in the particular church according to the character, nature, purpose and spirit of their respective institutes either as institute or individually. The practice of subjection of religious to the bishop is very important when it comes to the realm of pastoral activities in the diocese. It should be said that «subjection» means that the religious must respect the dispositions and directives of the diocesan bishop, who takes the responsibility for the life of the Church and pastoral activities in his diocese. But «subjection» does not mean that religious can be forced to carry out tasks that are contrary to their ends or to carry them out in a manner that contradicts the said ends.¹ The exercise of the apostolate² as such is subject to the power of the

cf.	confer
CIC	<i>Codex Iuris Canonici</i> , 1917
CIC	<i>Codex Iuris Canonici</i> , 1983
CIVCSVA	Congregation for Institutes of Consecrated life and Societies of Apostolic Life.
CLCCL	Conference of Catholic Bishops of India, Complementary Legislations to the Code of Canon Law
CSCM	<i>Constitutions and Statutes of the Congregation of the Mission</i>
DEV	<i>Diccionario de Espiritualidad Vicenciana</i>
DGDC	J. Otaduy, A. Viana, J. Sedano (eds.), <i>Diccionario General de Derecho Canónico</i> , Pamplona
ed./eds.	Editor / editors
ExCom	A. Marzoa, J. Miras, R. Rodríguez-Ocaña (eds.), <i>Exegetical Commentary on the Code of Canon Law</i> , Montreal
Ibid	Ibidem (in the same place)
i.e.	id est
KRCBC	Karnataka Catholic Bishop's Council
KRLCBC	Kerala Regional Latin Catholic Bishop's Council
n./nn.	Number/numbers
TCBC	Telugu Catholic Bishop's Council
TNBC	Tamil Nadu Catholic Bishop's Council
PC	<i>Perfectae Caritatis</i>
PO	<i>Presbyterorum Ordinis</i>
Vol./vols.	volume / volumes

¹ Cf. V. DE PAOLIS, *Apostolate of Institutes cc. 673-683*, in ExCom, II/2, 1798-1831.

² «La actividad apostólica de los religiosos dirigida al pueblo, esto es, que es competencia del obispo, puede ser la realización de obras propias del instituto o bien obras diocesanas encomendadas por el obispo»: (J. GARCÍA MARTÍN, *Las Relaciones entre Ordinarios del lugar e Institutos Religiosos en las Misiones según el Código de Derecho Canónico 1983*, *Commentarium pro Religiosis et Missionariis* 65 (1984) 153.

diocesan bishop and not the manner of the apostolate, which must conform to the character and nature of the religious institutes.³ The internal order or the patrimony of the institute is not the object of the relation between the diocesan bishop and the religious, because they are out of the competencies of the diocesan bishop.⁴

Pope Paul VI in his Allocution to the superior general of certain religious families and their members who had gathered at Rome for the general chapter of their respective institutes, stressed the point about the apostolate: «Religious institutes are at the service of the Roman Pontiff in those works which pertain to the welfare of the universal Church. But as for the exercise of the sacred apostolate in various dioceses, religious are also under the jurisdiction of the bishops, to whom they are bound to give assistance, always without prejudice to the nature of their specific apostolate and the exigencies of their religious life».⁵ The basic reason for the submission of religious is that the bishop is pastor whom the Holy Spirit has appointed to direct the holy Church of God by promoting common discipline of the Church and by urging the observance of the ecclesiastical laws. He is also the successor of the apostles. He also represents the universal Church while remaining a member of the episcopal college.⁶ Canon 680 restates a number of calls for an organized cooperation among religious institutes and between them and secular clergy. It also further states that under the authority of the bishop everyone has to cooperate and coordinate with those who do pastoral work, such as diocesan and religious clergy and the religious institutes. It also gives the possibility for the religious institutes to participate in the diocesan pastoral planning process and to take up a new apostolate in response to new needs by remaining faithful to their identity, making use of their resources.⁷ J. Graham, taking into consideration the conciliar principles of cooperation and coordination of all apostolic works under the bishop contained in c. 680 finds reason for religious to show obedience and submission to the bishop

³ Cf. CD, 35, 1; V. DE PAOLIS, *Apostolate of Institutes cc. 673-683*, in ExCom, II/2, 1816.

⁴ Cf. J. GARCÍA MARTÍN, *Las Relaciones entre Ordinarios del lugar e Institutos Religiosos...*, cit., 153-156.

⁵ PAUL VI, Allocution, 23 May 1964, AAS 56 (1964) 570-571; CLD 6 (1969) 432.

⁶ Cf. V. DE PAOLIS, *Apostolate of Institutes cc. 673-683*, in ExCom, II/2, 1815.

⁷ Cf. *ibid.*, 1821; B.K. DUNN, *Apostolate*, in M. JOYCE, C. DARCY, R. KASLYN and M. SULLIVAN (eds.), *Procedural Handbook for Institute of Consecrated life and Societies of Apostolic Life*, Washington D.C., 2001, 167-194; B. MALVAUX, «Relación entre Obispos y Religiosos», in DGDC, VI, 854-857; G. GHIRLANDA, *Il Diritto nella Chiesa Misterio di Comunione: Compendi di Diritto Ecclesiale*, Roma 1990, 272-273.

like the rest of the faithful.⁸ According to De Paolis the provisions contained in c. 678 can be fully understood only when one understands that the bishop is the pastor in his own diocese, and at the same time he is also a member of the episcopal college and thus responsible for his particular church as well as for the universal Church.⁹ Thus, this provision once understood correctly in the context of cc. 381 § 1, 392 gives reason to religious to owe submission to the diocesan bishop who has competence over the apostolic activities in the diocese.

There are many similarities between societies of apostolic life and religious institutes. The similarities emerge especially when considering the relationship between members of the societies of apostolic life and diocesan bishop. One important similarity is that in the same way as members of the religious institute, members of societies of apostolic life are also subject to the power of the diocesan bishop in matters of public worship, the care of souls and the other works of the apostolate (cf. c. 678 § 1). This similarity with religious is again reinforced by the reference to those canons in which the relationship between the diocesan bishop and religious institutes is regulated and identified more closely (cc. 679-683).¹⁰ As Congregation of the Mission is a society of apostolic life, its members are also subject to the power of the bishop in the works of apostolate. This article first gives a brief sketch of the history and juridical characteristics of the congregation. It also deals with historical facts of the Vincentian apostolate in the South Indian province and finally it deals with those specific areas of the subjection of the members to the bishop in the province of South India. This work is limited to four of the fourteen regional bishops' councils under CCBI where the congregation has apostolic activity in India such as: The Karnataka Catholic Bishop's Council (KRCBC), The Kerala Regional Latin Catholic Bishop's Council (KRLCBC), The Telugu Catholic Bishop's Council (TCBC) and The Tamil Nadu Catholic Bishop's Council (TNBC). It does not deal with the territory outside of India although the territory may fall under the province of South India. Finally, it also deals with the privileges of the congregation which help the members to do their apostolate effectively and which ultimately forms the patrimony of their congregation.

⁸ Cf. J. GRAHAM, *The Relation between Religious Institute and the Diocese*, CLSA Proceedings 60 (1998) 82-90.

⁹ Cf. cc. 381 § 1; c. 392; V. DE PAOLIS, *Apostolate of Institutes cc. 673-683*, in ExCom, II/2, 1822.

¹⁰ Cf. G. SHEEHY, R. BROWN, D. KELLY and A. MCGRATH (eds.), *The Canon Law Letter and Spirit*, London, 1996, 410.

1. A BRIEF HISTORY OF THE CONGREGATION OF THE MISSION

Every institute in the Church has a history. The history gives the details of the institute, its foundation and erection and the purpose for which the institute is established. This part deals with the Congregation of the Mission's origin and its foundational motive and legislations that led to the canonical erection and how the concept of the subjection and obedience to the bishop is adapted in the different stages of the legislative history of the Congregation of the Mission.

1.1. *Establishment of the Congregation of the Mission*

It was divine grace that led St. Vincent through the events of his life to dedicate himself to the salvation of the needy and to establish the Congregation of the Mission. There are two incidents or experiences which led him to establish the congregation. The first experience he had in Gannes in January 1617. He happened to visit the village of Gannes near Folleville. In that village a poor farmer who was dying asked for the sacrament of confession. St. Vincent heard the confession. After the confession the old man motivated by the grace of God acknowledged to Madam de Gondi publicly the serious sins of his past life.¹¹ Hearing the words of the dying man, she was horrified and said to St. Vincent: «What have we just heard? No doubt it is the same for most of these poor people. If this man, who is considered an upright man, was in a state of damnation, what will it be like for others who live more badly? Ah. M. Vincent! How many souls are being lost! How can this be remedied?». ¹² This experience affected St. Vincent very much emotionally and psychologically and he wanted to do something for the spiritual needs of the poor people.

The second incident took place in Folleville on 25 January 1617 on the feast of the conversion of the St. Paul by instance of Madam de Gondi preaching a sermon in the Church of Folleville to urge the people to make general confessions. It was considered to be the first sermon of the mission. Many people confessed and it was a success which God gave on the feast of the conversion of St. Paul.¹³ He saw from this incident evangelization of the poor was an urgent need. He made a plan in his mind on that day to serve the poor. And

¹¹ Cf. P. COSTE, *St. Vincent De Paul, Correspondence, Conference, Documents*, Vol. XI, New York 2008, 3 (Hence forth: CCD).

¹² CCD, XI, 3.

¹³ Cf. CCD, XI, 3-4.

therefore St. Vincent himself holds that this was the origin of his vocation and the foundation of the Congregation of the Mission.¹⁴

St. Vincent wanted to give a juridical form to the Congregation of the Mission which was conceived in Folleville. In this venture he gathered the first members and also realized the contract of foundation on 17 April 1625.¹⁵ This was a civil contract set out between Philip Emmanuel de Gondi, Marguerite de Silly and Vincent de Paul. The aim of this contract was to found a pious association of some ecclesiastics who under St. Vincent's guidance would commit themselves to take care of the evangelization of the poor. What was founded as a pious association in civil law was approved by the Archbishop of Paris on 24 April 1626.¹⁶ The official relationship between the Congregation of the Mission and the bishop is known through approval received from the bishop of Paris. Not only approval received but also put into practice the civil contract which was approved by the Archbishop of Paris by forming six members who would live and work with him. The first three missionaries were: Francois de Coundray and Jean de la Salle, priests of the diocese of Amiens, and Antoine Portail, priest of the diocese of Arles.¹⁷ Through this it is known that the competence of ecclesiastical authorities and the approval of the ecclesiastical authority is very important to exercise the ministry in the Church.

1.2. *Founding Motive of the Congregation of the Mission*

The founding motive of the Congregation of the Mission can be found in the civil contract signed by St. Vincent and subsequently approved by the Archbishop of Paris. «There is an intention to provide some remedy for the

¹⁴ Cf. CSCM, 18; M.P. FLORES, *Del equipo Misionero a la Congregación de la Misión*, Vincentiana 28 (1984) 679-716. Although Folleville experience was the foundational experience, there were also other experiences which strengthened his foundational experiences such as Chatillon experience where St. Vincent motivated the people alleviate the misery of the poor family, the conversion of heretic in Marchais, and the experience with Galley salves (cf. M.S. CALVO, *Saint Vincent de Paul and the Mission: Challenges for Today*, Vincentiana 51 (2007) 345-358; P. BHARATHI, *St. Vincent a Humble Leader*, Mysuru 2017, 46-48).

¹⁵ Cf. CSCM, 18.

¹⁶ Cf. L. MEZZADRI and J.M. ROMÁN, *Historia General de la Congregación de la Misión*, Vol. I, Salamanca 2017, 19; C. BRAGA, *Las Constituciones de la Congregación de la Misión. Notas históricas*, Vincentiana 44 (2000) 291-308; B. KOCH, *San Vicente de Paul y los Obispos*, Vincentiana 45 (2001) 505-516.

¹⁷ Cf. C. J. DELGADO, *Fidelidad de la Congregación de la Misión y de la Compañía de la Hijas de Caridad a las instituciones fundaciones ante los nuevos ordenamientos jurídicos en la Iglesia*, Vicencianismo y Vida Consagrada 56 (2015) 301-356.

spiritual abandonment of the poor people of the countryside by constitution pious association of some ecclesiastical, well versed in doctrine, piety and capacity who wish to renounce both the conditions of the above mentioned cities, as well as every benefice, position or dignity in the church to give themselves with the assent of the prelate of the diocese, entirely and solely to the salvation of the poor people, going from village to village with expenses paid from their common purse, to preach, to instruct, to exhort and to catechise these poor people and to get everyone ready to make a good general confession of their past life without taking any payment under any form, so that they distribute freely gifts they received from the generous hand of God». ¹⁸ In short his motive was to establish a society of secular priests living in common for the salvation of the country people. ¹⁹ This motive is the basis of the congregation's mission and life.

1.3. *Erection of the Congregation of the Mission*

It is to be noted that between 1627-1633 the congregation remained as an association of the diocese of Paris, France. As the congregation was growing with the spread of the missionary work, Vincent felt the need of getting approval from the Holy See in order to spread out from Paris and to make it a universal mission.

When speaking of approval, there were three periods of approval, the first and the third were in favour and the second was against. In that time there was resistance to create a new institute. Knowing this fact, in 1627 he used the term «Mission» instead of «Congregation of the Mission» which is a technical term used for the group of missionaries committed to apostolic activities even in Catholic countries who were dependent upon the Propagation of the Faith for their apostolic activity. The request was examined by the Congregation of Cardinals and approved on 5 November 1627 with the condition that for the exercise of their ministry, the missionaries must have the prior assent of the bishops. Otherwise, the «Mission» had to have a protector, nominated by the Archbishop of Paris. ²⁰ This approval gave the institute not only simple diocesan right but also pontifical right. Rome approved «Mission» but not yet the Congregation of the Mission.

¹⁸ C. BRAGA, *Las Constituciones de la Congregación de la Misión. Notas históricas...*, cit., 291-292.

¹⁹ Cf. T.J. FINN, *An Old Entity – A New Name Societies of Apostolic Life*, *Studia Canonica* 20 (1986) 439-456.

²⁰ Cf. C. BRAGA, *Las Constituciones de la Congregación de la Misión. Notas históricas...*, cit., 294.

Again, there were three petitions that were sent to Rome for the approval of the Congregation of the Mission in June 1628, on 1 August 1628, and in February 1632, respectively. Although he mentioned more precisely the apostolic character and the relationship with bishops in two petitions which were sent in the months of June and August of 1628, they were not accepted. Finally, Vincent sent his petition not to the Propagation of the Faith but through the Congregation for the Bishops. In the petition he clearly mentioned approval of secular priests called missionaries. The second important thing that Vincent included in the petition was that the missionaries could work with the mandate of the ordinaries and the permission of pastors give mission, teach catechism, instruct the poor people of the countryside begin the company of charity, settle disputes and discords, form clergy in the knowledge of moral theology and the celebration of the sacraments, welcome priests into their houses for retreats, and prepare the *ordinandis*. He also wanted the congregation to enjoy the privileges, faculties and immunities that other congregations enjoy.

In the three petitions what was the same in content was the relationship with the bishops, but it was expressed in a different manner. The second petition insisted on the exemption which they should have as an institute, whereas the third petition insisted on the obedience and submission to the bishops in the context of apostolic works. The third petition also stressed preserving the internal autonomy of the community.²¹

The response to the petition was given on 12 January 1633 approving the mission as the Congregation of the Mission through bull *Salvatoris nostri* by Pope Urban VIII. The bull gave the logical and decisive watershed in the natural and legislative growth of the congregation; it conforms the fundamental clauses of the contract of foundation.

One of the juridical aspects of the papal document of the *Salvatoris nostri* by approving the congregation was the concept of relationship between the bishop and the congregation and the aspect of subjection. It states that the members of this congregation, even though subject to the discipline and direction to the superior general and their own superiors, are also subject to the ordinaries of places only for what concerns the mission, in such a way that the same ordinaries can send to those parts of their dioceses, as they see fit, the members designated by the superiors.²²

²¹ Cf. M. P. FLORES, *Del equipo Misionero a la Congregación de la Misión...*, cit., 701.

²² Cf. *ibid.*

And thus, on this juridical point the bull gave two limitations to St. Vincent: not to go against the dispositions of Trent and to get the approval of his decisions from the Archbishop of Paris.²³ It shows how the congregation from the beginning with St. Vincent was subjected to bishops in concerns of the apostolic activity or missions.

2. THE JURIDICAL ELEMENTS OF THE CONGREGATION OF THE MISSION

St. Vincent de Paul is the founder of one of the largest societies of apostolic life in the Church: The Congregation of the Mission.²⁴ Canon 731§1 defines what a society of apostolic life is: «Societies of apostolic life approximate to institutes of consecrated life. Their members, without taking religious vows, pursue the apostolic purpose proper to each society. Living a fraternal life in common in their own special manner, they strive for the perfection of the charity through the observations of the constitutions». Although the society of apostolic life always dealt with the consecrated life, we can identify the source of c. 731 as the old c. 673 § 1 of the 1917 Code.²⁵ But we can find a little difference. The first paragraph of this canon is taken almost from the old Code c. 673 § 1, and the second paragraph is taken from the Vatican document *PC*, 1, 12-14. From the above mentioned canon three constitutive elements emerge. They are: 1. The apostolic or socio-ecclesial purpose of the institute; 2. The living of a common life according to the character of each institute; and 3. The striving of its members for the perfection of charity, not as private individuals but as members of the institute. The apostolic identity of society

²³ Cf. C. BRAGA, *Las Constituciones de la Congregación de la Misión. Notas históricas...*, cit., 298.

²⁴ Cf. M. P. FLORES, *Identidad de los Ministerios de la Congregación de la Misión*, Vincentiana 38 (1994) 124-143; *Idem*, *La Congregación de la Misión ejemplo de Sociedad de Vida Apostólica*, Vincentiana 38 (1994) 234-245; C.L. PARRÉS, *The Society of Apostolic Life: Canons 731-746* in J. HITE, S. HOLLAND and D. WARD (eds.), *Religious Institutes, Secular Institutes, Societies of Apostolic Life: A Handbook on Canons 573-746*, Collegeville, 1985, 287-306; J. M. ROMÁN, «Congregación De La Misión», in M. P. FLORES, B. MARTÍNEZ, A. ORCAJO and A. LÓPEZ (eds.), *Diccionario de Espiritualidad Vicenciana*, Salamanca 1995, 88-95 (Hence forth it will be cited as DEV).

²⁵ The discussion over the evolution of c. 731 can be seen in the following sources: cf. *Communicaciones* 2 (1970) 173; 5 (1973) 67; 7 (1975) 63; 10 (1978) 162; 11(1979) 23; 12 (1980) 131; 16 (1984) 212; F. MASCARENHAS, *Societies of Apostolic Life: Their Identity and Their Statistics With Regard to the Consecration*, *Commentarium pro Religiosis et Missionariis* 71 (1990) 4-65; P. MACHA, *The Juridical Identity of the Societies of Apostolic Life compared to Institutes of Consecrated Life in the Light of the Present Code of Canon Law (CIC/1983), Can. 731. «A Comparative Study»*, Rome 1994, 46-53.

embraces life as well as mission and includes an apostolic end or purpose, a fraternal life in common and the pursuit of the perfection of the charity.²⁶ It is the apostolic end of the society of apostolic life which differentiates it from the institute of consecrated life. Each society has apostolic goals and many of the societies are missionary. It means the foundational and constitutive element of the society of apostolic life is apostolic life. The apostolic life is for societies of apostolic life a *conditio sine qua non*.²⁷

And the constitution of the Congregation of the Mission adapted as such the juridical elements which are found in c. 731. Article 3 of the constitution states: The Congregation of the Mission is a clerical society of apostolic life and of pontifical right, in which the members pursue their own apostolic purpose according to the heritage bequeathed by St. Vincent and sanctioned by the Church.

2.1. *Nature of the Institute*

The Congregation of the Mission is a clerical society of apostolic life of pontifical right. St. Vincent from the time of the foundation wanted to form a Congregation for the Mission which would be composed of clerics. In the 1917 Code if the congregation is to be called as clerical, the clerics must be more than lay members of the institute.²⁸ But according to CIC, it has to be clerical by reason of the end or purpose intended by the founder and by lawful tradition is governed by the clerics, recognised by the authority of the Church (cf. c. 588 § 2). It is logical from the mind of the legislator to conclude that Vincent himself wanted to form a clerical society to preach missions and administer the sacrament of confession. Although it was not reflected in the first constitutions which was called as major constitution (1668) nor the second constitution which was called as Constitution of Pius XII (1954). It was reflected only in the final constitution (1984).²⁹ And it was approved as pontifical right through the bull *Salvatoris nostri* in 1633.

²⁶ Cf. C.L. PARRES, *The Society of Apostolic Life: Canons 731-746* in J. HITE, S. HOLLAND and D. WARD (eds.), *Religious Institutes, Secular Institutes, Societies of Apostolic Life: A Handbook on Canons 573-746...*, cit., 289.

²⁷ Cf. P. MACHA, *The Juridical Identity of the Societies of Apostolic Life compared to Institutes of Consecrated Life...*, cit., 61.

²⁸ Cf. c. 488 § 4 CIC 1917.

²⁹ Cf. M.P. FLORES, «Constitutiones», in DEV, 102-105.

2.2. *Purpose of the Institute*

The purpose of the institute is stated in the Common Rules chapter I, article 1 in the following way: «To have a genuine commitment to grow in holiness, patterning ourselves, as far as possible on the virtues which the great Master himself graciously taught in what he said and did; To preach the good news of salvation to poor people, especially in rural areas; To help seminarians and priests to grow in knowledge and virtue, so that they can be effective in their ministry». And thus, the motto of the Congregation of the Mission is stated in the constitution: *Evangelizare Pauperibus misit me*. He has sent me to preach the good news to the poor.³⁰

2.3. *The Character of the Institute*

St. Vincent in a conference stated the juridical character of the congregation: «As for us, though we are not religious, we still belong to a religious body, not of St. Francis or St. Dominic, but of St. Peter».³¹ From the early beginning it appears that St. Vincent was more interested in the socio-ecclesial purpose of his work i.e., mission rather than consecration by profession in the Church of evangelical councils.³² St. Vincent emphasized more the mission rather than consecration. For Vincent the members of the Congregation of the Mission are not religious but secular.³³

³⁰ Cf. Article 10, *CSCM*, 31.

³¹ M.P. FLORES, *La bulle Salvatoris Nostri et la Congregation de la Mission*, Vincentiana 27 (1983) 343.

³² Cf T.J. FINN, *An Old Entity – A New Name Societies of Apostolic Life...*, cit., 444.

³³ Finn mentions the nature of the Congregation of the Mission from the suggestion given by superior general of the congregation at the time making society of apostolic life a division of the consecrated life: «The constitution of *Lumen Gentium* intended to give a general theological but not a juridical description of the institutes of religious life and those assimilated to them. But now the commission for the Code for the Canon Law takes this description as the primary element of all institutes of consecrated life and it turns the vows or sacred bonds into public vows. Following the spirit of our founder and the history of the congregation as the primary element of all institutes of consecrated life and it turns the vows or sacred bonds into public vows. Following the spirit of our founder and the history of the congregation, this broader extension makes it impossible to apply the text of *Lumen Gentium* to our congregation. Besides Vatican also mentions the desirability of clerical association (*Presbyterium ordinis*, n. 8) and the possibility of clerical societies which are neither religious institutes nor personal prelature»: (T.J. FINN, *An Old Entity – A New Name Societies of Apostolic Life...*, cit., 453.

2.4. *Fraternal Life in Common*

Community life has been a special characteristic of the Congregation of the Mission and its usual way of living from the beginning of the congregation. This was intended by its founder. It is by living in the legitimately constituted house or in the community that one can do the work of evangelization more effectively.³⁴

2.5. *Vows*

Members do take vows of poverty, chastity, obedience and stability. The vows are non-religious but perpetual. It is practiced according to the traditions and constitutions of the congregation. It can be dispensed only by the superior general or by the Pope.³⁵

3. HISTORICAL FACTS OF VINCENTIAN APOSTOLATE IN INDIA

The Indian Vincentian mission's history is brief but complex as it moves from meager initiatives to major commitments.³⁶ The gospel has been preached in India according to tradition from the apostolic time. Through Catholic tradition it is believed that St. Thomas came to India. And later on, several missionaries of different congregations made their way to India to proclaim the faith. However, Vincentians arrived officially in India in the twentieth century. The first Portuguese Vincentians also went to Goa in 1781. Later on, Italian Vincentian confreres also joined them for a short time. Vincentian confreres on their passage to China stopped in India several times without making any foundations.

The actual mission of India began with the acceptance of the offer by the Propaganda Fide to begin to accept the Cuttack mission which was founded by

³⁴ Cf. Article 21, *CSCM*, 36; SOUTH INDIAN PROVINCE, *Provincial Norms*, Vincentian Provincialate, Mysore, 2019, 18.

³⁵ Cf. M.P. FLORES, *La Congregación de la Misión ejemplo de Sociedad de Vida Apostólica...*, cit., 241; M. LLORET, «Votos», in *DEV*, 617-622; *CSCM*, 49-50.

³⁶ Cf. J.E. RYBOLT (ed.), *The Vincentians: A General History of the Congregation of the Mission*, Vol. 6, New York 1981, 403; V. URBANEJA, *Los Hermanos Coadjutores de la C.M. en la Misión de Cuttack*, *Caminos de Misión* 91 (2002) 20-22; J. TABOADA, *Logros Apostólicos de los Paúles en la India (Misión De Cuttack)*, *Vincentiana* 32 (1988) 528-538.

the missionaries of St. Francis de Sales (MSFS)³⁷ by the province of Madrid of the Congregation of the Mission in 1921. Accordingly on 9 January 1922 a band of four Spanish Vincentian missionaries Frs. José María Fernández, Ramón Ferrer, Valeriano Güemes and Manuel Coello Rey arrived in India.³⁸ One part of the Cuttack mission territory was managed by the Vincentians and the other part of the territory (Vizagapatam) was managed by the MSFS missionaries. The first mission superior of Vincentians was José María Fernández (1875-1936). The first four Vincentians had eight churches, four chapels and four mission schools to direct all without the aid of catechists. But they experienced a lot of problems because of not knowing vernacular languages such as Oriya and Kuli and local dialects. Therefore, they understood that without a well-trained catechist, their mission of bringing conversion among the people would not be possible. Therefore, they first had to identify helpers for the important role of lay catechist. This was the first step in the story of the Vincentian apostolate in India.³⁹

Vincentian Leadership and the Problem of Jurisdiction and Intervention from the Holy See: Propaganda Fide entrusted jurisdictions to different individual religious missionary congregations in India. This act of the Propaganda Fide caused a number of problems. The Cuttack mission was entrusted to the Congregation of the Mission. There were three jurisdictions formed out of the Cuttack mission. The first jurisdiction was Cuttack. The superior of the Vincentian mission, Fernández, was responsible for the local church. In 1928 Propaganda Fide erected Cuttack as an official mission.⁴⁰ After Fr. Fernández, Fr. Valeriano Güemes was appointed as superior of both the Vincentians and the Cuttack mission until 1932. The first Vincentian bishop was appointed for Cuttack in the year 1938 in the person of Fr. Florencio Sanz Esparza. And the last Vincentian bishop of Cuttack was Fr. Pablo Tobar.

The second jurisdiction which was entrusted to the Vincentians was Balasore. It was composed of three districts divided from Calcutta in 1968 as an apos-

³⁷ Cf. T. ANCHUKANDAM, *Catholic Revival in India in the 19th Century*, Vol. I, Bangalore 1996, 409; F. MOGGET, *The Missionaries of St. Francis de Sales of Agency*, Bangalore 1985, 3,12; *Indian Province of the Congregation of the Mission: Silver Jubilee Souvenir 1970-1995*, Berhampur 1995, 5.

³⁸ Cf. R.P. MALONEY, *Homenaje Mercedo*, Caminos de Misión 91 (2002) 6-7; V. GÜEMES, *Viaje de los Primeros Paúles españoles a la India*, Anales 30 (1922) 269-285; J.M. FERNÁNDEZ, *Estado actual de la misión de los PP. Paúles en la India*, Anales 33 (1925) 475-480; B. SAIZ, *La Misión de la India*, Anales 33 (1925) 590-592; F. GREGORIO, *Cristo en Orissa*, Madrid 1972, 11.

³⁹ Cf. F. PUTHENTHAYIL, *The Congregation of the Mission and the Vincentian Congregation in India*, *Vincentiana* 59 (2015) 357-364.

⁴⁰ Cf. J. E. RYBOLT (ed.), *The Vincentians: A General History of the Congregation of the Mission...*, cit., 405.

toxic prefecture. As the Catholics were fewer in number, there was an attempt to unite it with the Cuttack diocese, but the province of the Madrid wanted it to be kept separate and belong to Vincentians alone. While this issue was happening, the Holy See gave more authority to bishops. Rome appointed Jacob Vadakevaetil as the apostolic administrator. He was administrator until the establishment of Balasore as a new diocese in 1989. Its first bishop was Thomas Thiruthalil. The third Jurisdiction was Berhampur established as a diocese taken from Cuttack in 1974. Bishop Thiruthalil was the first bishop. The dioceses were led by the Vincentians and much of the province of Madrid provided support.

The three jurisdictions were entrusted to the Vincentians. They preached the gospel. And they received many Vincentian vocations from Kerala. Many Vincentians from Kerala were ordained. The number of local diocesan clergy also increased. Many bishops were in fact from Kerala. Suddenly there arose tension between the local clergy who were small in number and clergy from Kerala who were the majority. Due to this tension, Pablo Tobar, the then Bishop of Cuttack, wanted to resign in 1969. And bishop Tobar proposed three Indian Vincentian confreres from Kerala for the post of bishop. Rome did not appoint the candidates proposed by him. Knowing the conflicts and the situation, Rome appointed Henry D'Souza as a successor who did not belong to either of the groups.⁴¹ He served eleven years as the bishop of Cuttack. Vincentians although not fully content, accepted the decision of the supreme authority of Rome. This incident shows they always respected the Church authorities in the mission and the mandate of Rome and were subjected to the authority of Rome.

The Erection of the South Indian Province:

Implanting the Vincentian mission in India has resulted in numerous parishes, schools and missions spread throughout the Cuttack mission. Along with the growth of the local church, the province also grew in the number of local clergy. The North Indian Province was erected in 1970. The Vincentian mission in India which began with four members from one house in 1922 grew to 110 members by 1995.⁴² The Vincentian mission spread to not only the state of Orissa but grew in other parts of India. The South Indian Province was erected to meet the demands of the apostolate in the southern parts of India in the year 1997.⁴³ Now it has 163 members and 16 canonical houses.

⁴¹ Cf. *ibid.*, 406-407.

⁴² Cf. *Indian Province of the Congregation of the Mission of the Silver Jubilee Souvenir...*, cit., 18.

⁴³ Cf. *Congregatio Missionis, Catalogus 2021-2022*, Roma, 2021, 246. The present statistics of the province is given in the appendix n. 1.

4. ORGANIZING THE APOSTOLATE IN THE SOUTH INDIAN PROVINCE OF THE CONGREGATION OF THE MISSION

Christus Dominus 11, states that the Second Vatican Council expresses the identity of the Church, to be based upon Jesus Christ, Savior and Lord for all the nations. Continuing his mission, the Church is sent to all peoples, on a mission to become truly incarnated in each culture. The synods of the Church also stress the value of territory and local culture and history of the people.⁴⁴ The Second Vatican Council especially stresses the nature of each local church within a country and of each particular church i.e., diocese. Each local and particular church has to become truly and authentically a sacrament of communion and reconciliation and salvation for everyone.⁴⁵ To realize the end of the universal Church with salvation for everyone especially the poor and neglected, the constitution of the congregation agrees that the life and apostolate of the province must be for the service of the Church according to the purpose of the congregation.⁴⁶ And the constitution states that the whole congregation is part of the Church and participates in the evangelical mission after the mind of the founder.⁴⁷ Accordingly, the visitor must be conscious of this fact and work closely with the local church and participate in the external works of apostolate in a true communion of apostolate and life.⁴⁸

4.1. *In Relation with the Superior General*

In organizing the apostolate of the province, the visitor must work in relation and communion with the superior general. The constitution states he is the center of unity and coordination of the provinces and should also be a source of spiritual animation and apostolic activity.⁴⁹

⁴⁴ Cf. S. YUJI, *Relationship between Bishops and Institutes of Consecrated Life in the Context of the Church in Asia*, Philippine Canonical Forum 8 (2006) 141-162.

⁴⁵ Cf. COMMISSION FOR CATECHETICS, CATHOLIC BISHOPS CONFERENCE OF INDIA, *National Catechetical Directory*, Bangalore, 2005, 81.

⁴⁶ Cf. Article 123 § 2, *CSCM*, 74.

⁴⁷ Cf. Article 10, *CSCM*, 31.

⁴⁸ Cf. Article 97 § 1, *CSCM*, 65.

⁴⁹ Cf. Article 102, *CSCM*, 67.

4.2. *In Relation with the Bishops*

Common Rules states that the members should consistently obey the most reverent bishops of the dioceses where the congregation has houses.⁵⁰ They should obey them especially in the context of the mission. But it has to be also noted that St. Vincent, during his life time, refused to provide pastoral assistance to the bishops when their petitions did not comply with the proper works or charism of the institute.⁵¹

5. THE RELATION WITH THE BISHOPS AND PRACTICE OF SUBJECTION

Every visitor (provincial), according to the proper norm of the institute, can undertake the apostolic activities in the local church without diluting the charism of the institute and respecting the autonomy of the institute. Accordingly, the constitution article 13 states: «The provinces themselves will decide the forms of apostolate to be undertaken so that faithful to the spirit and example of Vincent, their apostolate may be incorporated into the pastoral activity of the local church in conformity with the documents and instructions of the Holy See, the episcopal conference and the diocesan bishops».⁵² In taking up the apostolate, the visitor should maintain close collaboration with the local bishops.

5.1. *General Principles Followed in the Relationship with the Bishop*

Our founder St. Vincent asks the confreres to give humble and constant obedience to the bishops in the diocese in which the Congregation is established. From the canonical perspective there are four main guiding principles which are important to maintain a healthy relationship with the bishop. They are the principle of communion, the principle of coordination, the principle of subordination and the principle of autonomy.⁵³ These general principles are very well adapted in the proper norms of the congregation and the province according to the nature and spirit of the congregation. The relationship with the bishop is guided by the following principles in the South Indian Province.

⁵⁰ Cf. *Common Rules*, V, 1; *CSCM*, 121-122.

⁵¹ Cf. M.P. FLORES, *Identidad de los Ministerios de la Congregación de la Misión...*, cit., 141.

⁵² *CSCM*, 33.

⁵³ Cf. T. RINCÓN, *La Vida Consagrada en la Iglesia Latina*, Pamplona, 2001, 236.

5.1.1. Contemporary Understanding of the Secular Character of the Congregation

In dealing with the bishops in the context of the apostolate, superiors must keep in mind the secular character of the institute. That is to say that it is inconvertible that Vincent founded a community that was not a religious group as was understood in the law of the Church. St. Vincent repeatedly emphasized the secular aspect of the Congregation of the Mission saying the congregation does not juridically pertain to a religious institute or religious orders.⁵⁴ «Throughout the history of the Congregation of the Mission there has been a tension between its essentially secular nature and gravitation toward the religious state. We might compare the community to a non-religious moon that circles in orbit around a religious planet and is drawn ever closer to it. It is not easy to maintain its identity as a nonreligious congregation».⁵⁵ In the current Code the secular has a precise meaning that cannot be applied to the Congregation of the Mission. The general council chose to explain the term and delete it.⁵⁶ The explanation given by the council is as follows: the Congregation of the Mission, according to the tradition set forth by St. Vincent, carries on its own apostolate in close cooperation with the bishop and diocesan clergy. For this reason, Vincent often said that the Congregation of the Mission was secular although it enjoys autonomy which has been granted either by universal law or by exemption.⁵⁷ He also stated that the members are dependent upon the bishops in matters of the apostolate but not in everything, only in a few aspects.⁵⁸ In fact, the Roman Curia inspected the explanation given by the general council⁵⁹ and it favored this ecclesial aspect of the congregation: the intimate collaboration of the all the communities with the bishop and the secular clergy in everything referring to the apostolic activity. This concept of secularity of the congregation is adopted in the present approved constitution.⁶⁰

⁵⁴ Cf. A.L. LÓPEZ, «Secularidad», in DEV, 552-555.

⁵⁵ S. POOLE, *The Major Developments in the History of the Congregation of the Mission*, Vincentiana 28 (1984) 739.

⁵⁶ Cf. M.P. FLORES, *La Congregación de la Misión ejemplo de Sociedad de Vida Apostólica...*, cit., 243.

⁵⁷ Cf. Article 3 § 2, CSCM, 28.

⁵⁸ Cf. M.P. FLORES, *La Congregación de la misión ejemplo de Sociedad de Vida Apostólica...*, cit., 243.

⁵⁹ Cf. M.P. FLORES, *Revestirse del Espíritu de Cristo*, CEME, 1996, 260.

⁶⁰ Article 3 § 2: «The Congregation of the Mission according to the tradition set forth by St. Vincent, carries on its own apostolate in close cooperation with the bishops and diocesan clergy. For this reason, often said that the congregation of the mission enjoys autonomy which has been granted either by the universal law or by exemption».

5.1.2. The Principle of Autonomy

According to c. 586, every institute enjoys true autonomy of life especially of governance and it is recognized by supreme authority. The Congregation of the Mission enjoys autonomy by the universal law or by exemption.⁶¹ By special grant of the Roman Pontiff their houses, churches and members enjoy exemption from the local ordinaries except in those cases expressly provided in law.⁶² The constitution states that each local community enjoys true autonomy, so that it may be a place where a communal coordination of apostolate and life with the good of the congregation at the province level is realized.⁶³ This principle of autonomy is not only practiced in the internal governance of the institute but also very much reflected in coordinating the external works of the institute in the particular diocese. Accordingly, the province takes up apostolic activities everywhere in accordance with the purpose or finality and spirit of the institute.⁶⁴ There may be exceptions in taking up works of activities or modifying the works of the apostolate, but this should not dilute the spirit and Vincentian identity. It should always be in line with the vocation received by the founder St. Vincent de Paul.

5.1.3. Respect for and Coordination and Collaboration with the Bishop

The constitution says that the congregation carries on its own apostolate in close cooperation with the bishops and diocesan clergy by following the example of St. Vincent.⁶⁵ The basis of every collaboration and cooperation is defined by the nature of the institute or society. As the Congregation of the Mission is the clerical society of apostolic life of pontifical right, the members enjoy an autonomy proper to the universal law or by exemption. The relation of the Congregation of Mission with the bishop has to be defined by the universal law and laws of the institute or proper laws. This coordination of the apostolate must take place with due respect for the nature of the institute.⁶⁶ Accordingly, as a sign of the cooperation and collaboration with the bishop the visitor, once he has begun his term of office, he ought to visit the bishops in whose diocese the congregation is working as soon

⁶¹ Cf. Article 3 § 2, *CSCM*, 28.

⁶² Cf. Article 99, *CSCM*, 66.

⁶³ Cf. Article 23, *CSCM*, 36-37.

⁶⁴ Cf. SOUTH INDIAN PROVINCE, *Provincial Norms...*, cit., 25.

⁶⁵ Cf. Article 3 § 2, *CSCM*, 28.

⁶⁶ Cf. c. 680.

as possible. He should visit the bishops as often as he thinks it necessary, especially every two years when he makes official visitations to the houses.⁶⁷ Accordingly the province takes up the apostolate without diluting the spirit and character of the institute.

5.1.4. The Principle of Subordination

Every religious institute or society of apostolic life is subjected to the bishops in the works of apostolate.⁶⁸ St. Vincent in his conference, stated that the submission and subordination has its origin in the example of Jesus Christ.⁶⁹ Thus, the Common Rules of the congregation clearly states that Vincentians need to show obedience and submission: «Our lord Jesus Christ, taught us obedience by word and example. He wished to be submissive to the most Blessed Virgin, St. Joseph, and other people in positions of the authority, whether good or disagreeable. For this reason, we should be completely obedient to everyone of superiors, seeing the Lord in them and them in the Lord. In the first place we should faithfully and sincerely reverence and obey our Holy Father, the Pope. We should also humbly and consistently obey the most reverend bishops of the dioceses where the congregation has houses».⁷⁰ The subjection and obedience to the bishop is expressed in article 38 § 2 of the constitutions. The visitor's guide also states, despite its autonomy (exemption) the congregation is nonetheless subject to the bishops in matters concerning public worship, the care of souls and other works of the apostolate.⁷¹ Although as Vincentians they are subject to the power of the diocesan bishop in the works of the apostolate and according to their own constitution and statutes, they are also subject to the superior and discipline of the institute in the exercise of the apostolate outside the institute.⁷² Accordingly the members take a vow of obedience and stability to spend their whole life to perform the works assigned by the superiors according to the constitutions and statutes. This vow of stability demands that members be subjected to superiors when they give orders in accordance with the constitutions and statutes.

⁶⁷ Cf. *A Practical Guide to the Visitor*; Congregation of the Mission, General Curia, Roma 2005, 105.

⁶⁸ Cf. cc. 678 § 1, 738 § 2.

⁶⁹ Cf. A. LÓPEZ (ed.), *Conferencias a los Misioneros (1632-1659) Vicente de Paúl*, Salamanca 1992, 671; M.P. FLORES, «Obediencia», in DEV, 410-418.

⁷⁰ *Common Rules* IV, 1; CSCM, 121-122.

⁷¹ Cf. *A Practical Guide to the Visitor...*, cit., 105.

⁷² Cf. cc. 738 § 1, 678 § 2; Articles 37 § 1, 38 § 2, CSCM, 42-43.

5.2. *The Practice of Subjection to the Bishop in the Specific Areas of Mission of the Province*

5.2.1. *Erection and Suppression of Houses and Local Communities*

According to article 125 § 3 of the congregation's constitution, the houses in the province are divided in two i.e. house and local communities. House implies that it has more stability; whereas local community is in tune with the apostolic work which can be temporary. In the South Indian Province, to erect a house or constitute local community within in the boundaries of the province the visitor or provincial must receive the written consent of the ordinary of the place and the consent of the provincial council. He must first consult the superior general. To suppress a house or a community the visitor ought to have consent of his council and have consulted the superior general and the ordinary of the place.⁷³ With the consent of the bishop to erect a house, the members get the right to live according to c. 611.

In the province of South India, the house is erected or constituted depending on the apostolic activities which is in tune with the charism. The provincial norms state that: «The end and spirit of our congregation shall be our guide in making ourselves available to all apostolic activities everywhere, taking into account, of course, the need of the people, place and time».⁷⁴ The province sees that the house has to be truly a mission house which facilitates the demands of the Vincentian community such as prayer, study, community and relaxation. The location of the house also matters to exercise the apostolate. In the context of selecting and constructing the mission house, the visitor's guide makes reference to *PO*, 17.⁷⁵ It states: «Let them arrange their homes so that they might not appear unapproachable to anyone, lest anyone, even the humblest, to fear to visit them». St. Vincent wished that the houses be considered truly mission-houses distinct from monasteries of monks, from the friaries of friars and from the residencies of Jesuits; distinct also from the parish houses. Whatever the style of life, he wanted it to be familial.⁷⁶ Members try to erect houses or constitute community in the poor areas or countryside so that the charism may be realized. The provincial is directly responsible for the internal structure of the congregation, the common life of its members and the special ministries of

⁷³ Cf. Article 125 § 3, *CSCM*, 75.

⁷⁴ SOUTH INDIAN PROVINCE, *Provincial Norms...*, cit., 25.

⁷⁵ Cf. *A Practical Guide to the Visitor...*, cit., 81.

⁷⁶ Cf. *ibid.*, 79.

the congregation and those carried on within its own institutions.⁷⁷ The hours of the liturgy or paraliturgical services are done following the rite of the diocese where the house is situated.⁷⁸ If it is a Latin rite, it should be in Latin rite, or if it is Syro-Malabar rite, it should be Syro-Malabar. Every house has a local superior and a constituted house has a father in charge. At the local level: the local superior and the father in charge are in touch with the bishop to make the apostolate more effective. The houses are independent from and exempted from the jurisdiction of the local authority except in the cases expressed in law and by written agreement. The congregation has a special privilege of preventing another religious house or church or oratory if it is not constructed at least 699 meters away from the Congregation of the Mission. However, this privilege may not be relevant today. But if it goes against c. 610 § 1, members can appeal to the competent authority.⁷⁹

5.2.2. Written Agreements

A written agreement is a contract made between the diocesan bishop and the competent religious superior of the institute by means of which there arises the mutual obligations and rights in the context of the apostolic works in question.⁸⁰ The provincial guide, in the light of c. 681 § 2, states that when the bishop entrusts an activity to the congregation or to one of its members, the diocesan bishop and the competent superior of the congregation (usually the visitor) ought to sign a written agreement in which, among other things, is determined in an explicit and clear manner all that concerns the work, the members who will be assigned to it, and the financial arrangements. The visitor should be diligent that these agreements be drawn up in due form. The provincial guide also recommends that in those places where bishops, contrary to c. 682 § 2 are unwillingly to sign a contract with the Congregation of the Mission when entrusting to it a parish or another work, it may be helpful to employ another strategy: after meeting with the bishop and speaking in detail about those

⁷⁷ Cf. *The Contract Between the Diocese of Nayantara and the Congregation of the Mission*, ND. RC. 16/06 dt. 30.08.2006, 1.

⁷⁸ Cf. *ibid.*, 2.

⁷⁹ Cf. M.P. FLORES, *Privilegios Antiguos y Derecho Nuevo*, Anales 99 (1991) 5-158.

⁸⁰ Cf. D.J. ANDRÉS, *Las Formas de Vida Consagrada Comentario Teológico-Jurídico al Código de Derecho Canónico*, Madrid-Roma 2005, 542. We can also find more information on the required elements and other concerns of the written agreements according to c. 681 § 2 in the following resource: S.E. KAIN, *Written Agreements Between Bishops and Religious for Entrusted Diocesan Works*, Washington, D.C. 1996, 270-297.

matters that should be fixed by a written contract, the visitor or provincial might write a letter *pro memoria* to the bishop describing clearly the verbal agreement that has been reached. A copy of this letter will be kept in the provincial archives and in the archives of the local community to which the agreement relates.⁸¹

5.2.3. Parish Ministry and Appointments of Confreres to the Diocesan Posts

As a general rule the Southern Indian Province of the Congregation of the Mission does not take up established parishes. However, it does not decline its services in established parishes and institutions when requested by local ordinaries and when it is in line with the charism and Vincentian vocation.⁸² Generally, the parishes that shall be accepted must be located in poor areas and should be missionary and transitory in character. The vision of the province in taking up the parish ministry is reflected in the provincial plan 2016-2022: «We commit ourselves to make our parochial ministry vibrant spiritually and active in charitable works and social involvement for the integral growth of the parish».⁸³ The priests of the Congregation of the Mission collaborate with the diocesan authority and the visitor for the integral growth of the parish.

The Parishes Entrusted to Vincentians:

The general rule that they follow in the parishes that are entrusted to them is as follows: When the parish is entrusted to them, they are bound by the agreement between the visitor and the diocesan bishop. They are also subject to the rules and guidelines issued by the bishop from time to time. The contract ought to include how many persons to provide for parish ministry. In some dioceses they also take care in asking assistance in providing monthly financial support to defray the financial expenses of the Vincentians in the mission station. In some dioceses, they make a contract so that the diocese provides a mission station rectory as residence for the Vincentians, keeping in mind that the Vincentians are to live in community. If there is major repair and improvements, they must get the written permission of the bishop. The monetary commitments to any third party in favor of the parish needs the written consent of the parish council with the consent of the bishop. By respecting the norms of the diocese, they also send

⁸¹ Cf. *A Practical Guide to the Visitor...*, cit., 106-107.

⁸² Cf. SOUTHERN INDIAN PROVINCE, *Provincial Norms...*, cit., 25.

⁸³ SOUTHERN INDIAN PROVINCE, *Provincial Plan 2016-22*, Vincentian Provincialate, Mysuru 2016, 17.

financial reports and annual reports of the parish to the diocese. If they have any income generating project in the parish, such as a community hall or a multi-purpose hall, they are requested to contribute some percentage of the income to the diocese every year as per the agreement.

Appointment as Parish Priest:

As far as the c. 682 § 1, the priests are appointed on presentation by the visitor as parish priest. Until the appointment takes effect both will observe greatest discretion.⁸⁴ It is highly recommended that the confrere who is presented to be appointed as parish priest should have completed at least three years of priestly ordination and have at least two years of parish experience.⁸⁵ The parish priest officially appointed by the diocese will receive monthly *congrua* just like the diocesan priests. Under TNBC there are seven Vincentian parishes, KLRLC has four parishes, TCBC has eight parishes, and there are two parishes under the KRCBC.

The amount received by Vincentian Parish priests as priest's maintenance from the respective dioceses according to the regional bishop's council and contributions to the dioceses from the total income of the parish every month are cited below.

The Tamil Nadu Catholic Bishop's Council (TNBC)

S.N	Dioceses	Priests Maintenance – Amount in Local Currency and in US Dollars ⁸⁶	Contributions per month
1	Madras – Mylapore	Rs. 15000 = \$214.28	10%
2	Chengalpattu	Rs. 10000 = \$142.85	25%
3	Trichy	Rs. 6000 = \$85.71	0%
4	Sivagangai	Rs.8000 = \$114.28	0%
5	Salem	Rs. 10000 = \$142.85	0%
6	Tuticorin	Rs.8000 = \$114.28	0%
7	Kuzhithorai	Rs.15000 = \$214.28	7%

⁸⁴ Cf. *The Contract between the Diocese of Nayantara and the Congregation of the Mission...*, cit., 2.

⁸⁵ Cf. SOUTHERN INDIAN PROVINCE, *Provincial Plan 2016-2022...*, cit., 19.

⁸⁶ The amount is cited in US dollars to have universal concept of the value of the money. The approximate value of 1 US dollar is equal to 70 Indian rupees. The amount may vary depending upon the fluctuations in the international market value.

The Kerala Latin Regional Catholic Bishops Council (KLRLC)

S.N.	Diocese	Priests' maintenance	Contributions to the diocese
1	Neyattinkara	Rs.12000=\$171.42	7%
2	Kollam	Rs. 10000=\$142.85	10%
3	Kannur	Rs. 7000= \$100	0%
4	Punaloor	Rs.12000=\$171.42	0%

The Karnataka Bishops Council (KRCBC)

S.N.	Diocese	Priests' maintenance	Contributions to the diocese
1	Mysore	Rs.15000= \$214.28	0%

The Telugu Regional Bishops Council (TCBC)

S.N.	Diocese	Priests' maintenance	Contributions to the diocese
1	Eluru	Rs. 10000=\$142.85	0%
2	Vijayawada	Rs. 10000=\$142.85	0%
3	Khammam	Rs. 10000=\$142.85	0%
4	Visakhapatnam	Rs. 10500=\$150	0%
5	Srikakulam	Rs. 12000=\$171.42	0%

Mass intentions: The diocesan regulations are to be followed with regard to the mass intentions in the parish especially by the parish priests and assistants. However, because of the special privilege, the parish priest of parishes which are entrusted to the Congregation of the Mission do not have an obligation to show the mass intentions book to the diocesan bishop. If the confrere celebrates mass for the superior's intention, he also has to send the mass slip to the province. However, how many confreres will be supported by the diocese and how many confreres will be supported by our province will be reflected in the written agreement. This may differ from diocese to diocese.

5.2.4. The Material Goods of the Province and Permission from the Holy See for the Alienation and Transaction Affecting Patrimonial Conditions

The present Code does not define what exactly is meant by the term alienation.⁸⁷ The term alienation could be taken in a strict sense and in a broad sense. In the strict sense alienation would mean conveyance or transfer of ownership from one person to another either by sale or gift. In the broader sense or wider sense, it means not only direct transfer of the ownership but any transaction or ownership by which the patrimonial condition of the juridical person could be endangered.⁸⁸ Therefore the following could be included or constituted in the concept of alienation: sale of property, taking a mortgage, borrowing of a substantial amount of money, lien, lease etc.⁸⁹

When dealing with the alienation of goods, keep in mind the conditions for validity established in article 155 of the constitutions. It states: «For the validity of alienation and any other transaction in which the patrimonial condition of a juridical person can be affected adversely, there is required the written permission of the competent superior with the consent of his council. If moreover, it concerns a transaction which exceeds the highest amount defined for a given region by the Holy See, or items given to the Church in virtue of a vow or items of precious art or of historical value the permission of the Holy See is also required».⁹⁰

In fact, the congregation does not define the transactional value at which to get approval from the Holy See. The decision is left to each episcopal conference of the countries concerning the transactional amount or sum above which is it necessary to request permission from the Holy See for the alienation or loan.⁹¹ In India the congregation follows the sum set up for all religious in India by CCBI. For India the CCBI establishes that the approved minimum

⁸⁷ Cf. F. GRAZIAN, «Enajenación de Bienes», in DGDC, III, 593-600.

⁸⁸ Cf. G. SHEEHY, R. BROWN, D. KELLY and A. MCGRATH (eds.), *The Canon Law Letter and Spirit...*, cit., 732-733; F.G. MORRISSEY, *The Alienation of Temporal Goods in Contemporary Practice*, *Studia Canonica* 29 (1995) 293-316; *Idem*, *Ordinary and Extraordinary Administration: Canon 1277*, *The Jurist* 48 (1988) 709-726; J. MANTECÓN, *The Contracts and Especially Alienation*, in *ExCom*, IV/1, 124-149.

⁸⁹ Cf. G. SHEEHY, R. BROWN, D. KELLY and A. MCGRATH (eds.), *The Canon Law Letter and Spirit...*, cit., 732.

⁹⁰ *CSCM*, 87.

⁹¹ Cf. *A Practical Guide to the Visitor...*, cit., 134; Appendix n. 2.

sum for the alienation of ecclesiastical goods is Rs. 15,00,000/ – and the approved maximum sum is Rs. 1, 50,00,000.⁹²

It has also been noted that for amounts below this sum defined by the CCBI that permission from the Holy See is not required. However, it may be necessary to request permission from the superior general if the sum goes beyond that which according to the provincial norms, the visitor with the agreement of his council, is authorized to alienate or borrow.⁹³

5.2.5. Religious Dress Code

One of the ways in which the secular character of the Congregation of the Mission is practiced is by not having any particular clerical dress. Church law governing the behavior of the Catholic clergy states that all clerics whether fully ordained priests or not must wear suitable ecclesial garb according to the legitimate customs and regulations by the episcopal conferences.⁹⁴ In accordance with c. 284, CCBI states that clerics are to wear suitable ecclesiastical dress in accordance with norms of each regional episcopal conference (or its equivalent) and legitimate local custom keeping intact, however the prescriptions in this matter which are laid for liturgical celebrations.⁹⁵ As India is a vast country, the norm of the episcopal conference has to be made concrete. There are 14 regional Bishops Councils in India in which the South Indian Province falls under the four regional Bishops' Councils of India.⁹⁶ Each council has its own legitimate custom.

As Vincentians belonging to a missionary congregation, members do not have any particular type of clerical dress. They follow or adopt the clerical dress of the particular episcopal conference in whichever diocese or region where they work. Accordingly, the members working in South India wear

⁹² Cf. S. ANTONYSAMY, *The Collaboration of Canon Law and Civil Law in Contract and Alienation*, Studies in Church Law 12 (2017) 123-144.

The procedure to obtain the permission of the Holy See is as follows: The visitor sends to the superior general all the documentation: the minutes of the provincial council in which alienation is approved, a professional valuation regarding the sale, the bishop's position and what will be done with the money received from the alienation. If the superior general and his council approve the alienation, the procurator general is responsible for obtaining the permission of the Holy See (cf. *A Practical Guide to the Visitor...*, cit., 88).

⁹³ Cf. *A Practical Guide to the Visitor...*, cit., 134.

⁹⁴ Cf. c. 242.

⁹⁵ Cf. CONFERENCE OF CATHOLIC BISHOPS CONFERENCE OF INDIA, *Complementary Legislations to The Code Canon Law*, Bangalore 1994, 5 (Henceforth it will be cited as CLCCL).

⁹⁶ https://en.wikipedia.org/wiki/Conference_of_Catholic_Bishops_of_India

white cassocks unlike the Roman black cassock or Roman collar shirts in the west. According to the Common Rules of the congregation, it has to be neat and clean.⁹⁷ In Tamil Nadu dioceses such as Sivagangai and Tuticorin, Kottar, Madurai, Palaiyamkottai which forms the part of ecclesiastical province of Madurai in which the members of the South Indian Province additional to cassocks, they may wear also a red sash over the white cassock remembering the martyrdom of St. John Britto. By adopting the dress of each regional Bishop's Council, Vincentians maintain a healthy relationship with the bishops.

5.2.6. Popular Mission

Another important mission the members take up in their province is popular mission. It was the mission very dear to the heart of St. Vincent. It was the mission which motivated St. Vincent to found the Congregation of the Mission.

The provincial norms chapter three states that the mission of evangelization has to be done under the directives of the diocesan bishop and the parish priest.⁹⁸ It emphasizes also that it has to be done in collaboration with the diocesan clergy. It also states the importance of the popular mission and the formation of the popular mission. In order to realize that end, the provincial norms ask to form the band of selected confreres.⁹⁹ In keeping this law in mind the provincial superior appoints a director of the popular mission for a term of three years which may be renewed. And regional directors of the popular missions shall be supported by their local communities and be available to undertake their ministries anytime. These activities are coordinated and strengthened by the Visitor and the director through the popular mission centre in the state of Kerala.

The general characteristics of the popular mission are as follows :1) This is called popular mission because it is for the people. 2) The mission is not preached in the parish church alone. The parish is divided into small units and in each unit, the same programme is conducted simultaneously. 3) The preaching and other common services are done during early morning and evening hours. The object of this model of organising is to increase the participation of people who work and students who go to schools and colleges and universities. 4) People's participation is not limited to just listening. They have

⁹⁷ Cf. *Common Norms* VII, 4; *CSCM*, 128.

⁹⁸ Cf. SOUTH INDIAN PROVINCE, *Provincial Norms...*, cit., 24.

⁹⁹ Cf. *ibid.*

an active and vital role during every stage of the mission. 5) No fee is charged for conducting the popular mission. The expense of the popular mission is met by the congregation. 6) The teachings are based on the scriptures and the teaching of the Church. 7) To revitalize the sacramental and family life of the faithful, they do conduct the renewal of baptismal vows and marriage vows, and encourage them to participate in the sacrament of confession and Eucharist. 8) The popular mission is concluded with a penitential procession. The participants holding a wooden cross from the respective centres, come to the parish church for the concluding session. It is concluded with a short preaching and adoration and the final blessings.¹⁰⁰

The bull *Salvatoris nostri* by Pope Urban VIII while approving the Congregation of the Mission in 1632, stated that members are not only subjected to the bishop but also to the parish priest during the mission and that the internal life depends upon the superiors.¹⁰¹ Most of the preaching of the popular mission in the province depends upon the parish priest of the particular diocese where they conduct the popular mission. And the diocesan bishop is aware of it.

6. PRIVILEGES OF THE CONGREGATION OF THE MISSION

In the context of this topic of the subjection of the religious to the power of the diocesan bishop in the works of the apostolate, it is always relevant to know the privileges of the Congregation of the Mission to assert the autonomy of the congregation and in fact which form the patrimony of the institute. This part shall be dealing with the privileges which are in force from the canonical point of view and which mostly are relevant or affect their relationship as members of the Congregation of the Mission in the works of the apostolate.

6.1. *The Canonical Concept of Privilege and its application to the Congregation of the Mission*

There is innovation in the new Code with regard to privilege. The concept of privilege can be obtained from the new Code from cc. 76-84. The new Code c. 76 § 1 defines: «A privilege is a favour given by special act for

¹⁰⁰ Cf. F. PUTHENTHAYIL, *The Congregation of the Mission and the Vincentian Congregation in India...*, cit., 359.

¹⁰¹ Cf. M.P. FLORES, *Del Equipo Misionero a la Congregación de la Misión...*, cit., 701.

the benefit of certain person, physical or juridical; it can be granted by the legislator and by an executive authority to whom the legislator has given this power». Specific elements can be drawn from this definition. It is a favour granted by the legislative authority and the executor may grant a privilege if he is granted the faculty by the legislator. It is an essentially private and sometimes private (*lex privata*) and favourable law.¹⁰² The juridical nature of privileges is executive. In the new Code privilege has to be interpreted in the strict sense. Although privilege seems equal to dispensation both are different. Both privilege and dispensation are rescripts. A privilege is more stable and dispensation is not that stable. Privilege is an act of legislative power and dispensation is an act of executive power. Privileges create in the beneficiary a new juridical condition. In dispensation there is only cessation of obligation. The person is relaxed from the law. One must always remember that through privileges the Church does not want to promote discrimination but privileges only show that there is pastoral sensitivity from the Church for concrete situations.¹⁰³

Canon 76 § 2 states centennial or immemorial possession of a privilege gives rise to the presumption that it is has been granted. Canon 78§ 1 states a privilege is presumed to be perpetual unless the contrary is proved. From the above two canons, two of the presumptions of the law can be obtained. One of the presumptions from the above mentioned canons is that centennial privileges have been in existence for more than a hundred years. The congregation has privileges of a hundred years or more, and it can be proved through the document from the first privilege received in 1813. It is also affirmed by the principle in which is cited in c. 78 § 1 principle *regula iuris*, i.e. a privilege is presumed to be perpetual unless the contrary is proved. Therefore, since it is not revoked, it seems to continue to be part of the patrimony of the Congregation of the Mission.

The second presumption is that immemorial privileges have existed as long as anyone can remember.¹⁰⁴ The necessity of this presumption of law arises only when there is no documental proof. It is proved through memory of the confreres living and recollection that privilege was given. However here

¹⁰² Cf. A. FAVARO, «Privilegio Apostólico», in DGDC, VI, 476-478; J.P. MAINTYRE, *Privileges (cc. 76-84)*, in J.P. BEAL, J.A. CORIDEN and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*, New York, 2000, 122-126.

¹⁰³ Cf. J. CANOSA, «Privilegio», in DGDC, VI, 473-476.

¹⁰⁴ Cf. J.P. MAINTYRE, *Privileges (cc. 76-84)*, in J.P. BEAL, J.A. CORIDEN and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law...*, cit., 123.

one must understand since privilege creates in the beneficiary a new juridical condition, what is presumed is not any type of just claim in the possessor but the involvement of those who create objective law or new juridical condition.¹⁰⁵

There are also privileges the congregation has received through communication. The interpretation of the legislative text informed that even though in the future, there will not be the possibility of receiving privileges through communication, the privileges previously acquired¹⁰⁶ are not revoked. Privileges granted by the Apostolic See and have not been revoked are valid. Thus, the privileges of the Congregation of the Mission which are not revoked are still in force.¹⁰⁷ And these privileges which are in force are enjoyed not only by the incorporated members but also the admitted members of the Congregation of the Mission with the exception of those things which involve the exercise of orders and the jurisdiction attached to it.¹⁰⁸

6.2. *Privilege of the Congregation of the Mission in General*

6.2.1. Proving the Existence of the Privileges

The superior general of the Congregation of the Mission can prove the existence of the privileges of the Congregation of the Mission by the signing and stamping of the copies or compilations of the same. The documents signed and sealed by the superior general have the same validity as that of original documents.¹⁰⁹

When doubt arises whether the Congregation of the Mission enjoys a particular privilege, the superior general can show by signing and stamping documents. This privilege helps one legitimatise the privileges of the Con-

¹⁰⁵ Cf. M.J. ROCA, *Privileges*, in ExCom, I, 619-643.

¹⁰⁶ C. 4 of the 1983 Code states: «Acquired rights and likewise privileges hitherto granted by the Apostolic See to either physical or juridical persons which are still in use and have not been revoked, remain intact, unless they are expressly revoked by the canons of this Code». The present Code does not revoke all acquired rights and privileges granted by the Apostolic See. However, if there are rights that the present Code expressly revokes, they are revoked.

¹⁰⁷ Cf. M. P. FLORES, *Los Antiguos Privilegios de la Congregación de la Misión. Y el Nuevo Ordenamiento Canónico*, Vincentiana 36 (1992) 35-97; *Idem*, *Privilegios Antiguos y Derecho Nuevo...*, cit., 14.

¹⁰⁸ Cf. Article 59 §§ 1, 2, CSCM, 52.

¹⁰⁹ Cf. M. P. FLORES, *Los Antiguos Privilegios de la Congregación de la Misión...*, cit., 42-43; J. FERNÁNDEZ, *Commentarium privilegiorum et indulgentiarum Congregationis Missionis*, Madrid 1947, 65.

gregation of the Mission. The documents which are signed by the superior general have the same value as that of the original documents.¹¹⁰

6.2.2. Diocesan Bishop cannot impose Censures

The bishops may impose ecclesiastical penalties on members of the Congregation of the Mission for those cases which they have jurisdiction. However, they cannot punish with censures.¹¹¹

Canon 1320 states that in all matters in which they come under the authority of the local ordinary, religious can be constrained by him with penalties. One has to note here that the canon does not use the word the members of the society of apostolic life. However, c. 738 § 2 which is similar to c. 678 § 1 mentions clearly that the members of the society of apostolic life are subjected to the power of the diocesan bishop in the same way as the members of the religious institute in matters of the care of souls, public divine worship and other works of apostolate in reference to cc. 679-683. In view of these principles, it can be said that the bishop may impose all the penalties contemplated in the Code. However, for the reason of this privilege, the local ordinary cannot impose on the members of the Congregation of the mission the censures such as excommunication, interdict and suspension.¹¹²

6.2.3. Dispensation of the Ecclesiastical Laws

The superiors of the Congregation of the Mission can dispense their members from the common ecclesiastical laws just as the bishop can dispense his priest and laity.¹¹³

According to c. 85, a dispensation is the relaxation of a merely ecclesiastical law in a particular case. It has to be kept in mind that it is relaxation merely from the ecclesiastical law and this relaxation does not suppress the law but only the obligation from the law and this is not done in a general way but in a limited way. Through this privilege the superior general can dispense his subjects in the same way as the diocesan bishop. While giving dispensation, one has to keep in mind, every dispensation causes *vulnus legis*

¹¹⁰ Cf. M. P. FLORES, *Los Antiguos Privilegios de la Congregación de la Misión...*, cit., 43.

¹¹¹ Cf. *ibid.*, 51.

¹¹² Cf. *ibid.*, 52.

¹¹³ Cf. M.P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 18.

and the purpose of the dispensation is spiritual welfare. Therefore, it must be assured that there is a just and reasonable cause for the dispensation. If the dispensation is given by the superior when there is no just and reasonable cause, it can be unlawful but valid; but if it is given by others it can be unlawful and invalid. If a dispensation given in doubt about the sufficiency of its reason, it is valid and lawful.¹¹⁴

6.3. *Privileges concerning the Houses and Churches of the Congregation of the Mission*

6.3.1. *Erection of the Houses*

The Congregation of the Mission has the privilege of prohibiting the construction of another religious house or Church or oratory that is not at least 699 meters away from the congregation.¹¹⁵

This privilege was granted in the context of the rivalry and enmity between the different religious communities. According to c. 610 in establishing religious houses, the welfare of the Church and the institute are kept in mind and care must be taken to safeguard everything that is necessary for the members to lead their religious life in accordance with the purpose and spirit of the institute. Although, this privilege may not seem to be very significant, if violated, according to c. 610, the congregation may appeal to the Holy See through this privilege.¹¹⁶

6.3.2. *Changing House from one Place to another within the Same City*

The Congregation of the Mission can change the place of the house within same city without the permission of the ordinary of the place.¹¹⁷

The present Code c. 733 distinguishes between a house and a community of the society of apostolic life. But it does not speak about the change of house from one place to another within the same city. However, in the context of the apostolic works and the subjection and respect to the bishop one cannot

¹¹⁴ Cf. c. 90.

¹¹⁵ Cf. M.P. FLORES, *Los Antiguos Privilegios de la Congregación de la Misión...*, cit., 55.

¹¹⁶ Cf. *ibid.*, 56; S. KANJIRATHAMKUNNEL, *Privileges of the Congregation, Text and Commentary*, *Vincentiana* 60 (2016) 53-68.

¹¹⁷ Cf. M. P. FLORES, *Los Antiguos Privilegios de la Congregación de la Misión...*, cit., 56.

imagine moving the house from one place to another without informing the local bishop. It is also recommended for pastoral reasons and relationship reasons to inform the bishop.

6.4. *Privileges concerning the Ministers of the Word*

6.4.1. The Extension of the Privilege of the Congregation of the Mission to the Secular Priests.

The directors of the mission can extend the same privileges in respect to the sacrament of confession and liturgy of hours to the secular clergy (diocesan clergy) who collaborate in the mission. This privilege is valid only during the time of the mission.¹¹⁸

6.4.2. Admitting Members to the Pious Associations

The priests of the Congregation of the Mission can admit the faithful in all the associations and confraternities approved by the Holy See during the mission.¹¹⁹ When they use this privilege, they need to respect the statutes of each association. The admission of members can be done only after consulting the parish priests where this act takes place especially if it is done in the view of establishing the association.

6.5. *Privileges concerning the Eucharist*

6.5.1. Concerning the Participation in the Chrism Mass

The priests of the Congregation of the Mission are not obliged to attend the chrism mass that the bishop celebrates in the cathedral, unless there is an insufficient number of ministers and diocesan clergy.¹²⁰

It is known that the chrism mass is a symbol of the communion between the bishop and the priests. As a consequence, all the priests who work in the diocese are obliged to concelebrate in the chrism mass. The priests of the

¹¹⁸ Cf. *ibid.*, 64.

¹¹⁹ Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 38.

¹²⁰ Cf. *Idem*, *Los Antiguos Privilegios de la Congregación de la Misión...*, cit., 70.

Congregation of the Mission through this privilege are not obliged to participate in the chrism mass. However, the priests of the Congregation of the Mission who undertake works of the apostolate in the diocese are highly recommended to participate in the chrism mass.¹²¹

6.5.2. Maundy Thursday Mass

On Maundy Thursday mass can be celebrated in Vincentian churches and oratories other than solemn mass and liturgical services for the benefit of the sick.¹²²

Canon 931 states that the celebration and distribution of the Eucharist may take place on any day and at any hour except those which are excluded by the liturgical laws. According to the liturgical law, on Maundy Thursday only one mass can be celebrated in the evening, at the time which is convenient. The diocesan bishop may permit taking into consideration, for pastoral reasons, another mass, in the evening or morning. Through this privilege the priests of the Congregation of the Mission can celebrate in their churches or oratories for the benefit of the sick or other persons who cannot participate in the Maundy Thursday celebration without the permission of the bishop.

6.5.3. Mass Intention Book

The local ordinary cannot demand the priests of the Congregation of the Mission to present the book in which contains the intentions and offering of the parishes entrusted to the Congregation of the Mission.¹²³

According to c. 957 it is the duty and right of the local ordinary to see that obligations of the masses are fulfilled in cases of the secular clergy and in cases of the churches of religious institutes or society to the superiors. Canon 958 speaks about the mass intentions book where the masses have to be noted. And this book can be reviewed by the local ordinary every year either personally or through others. This inspection is done to avoid abuses and also to see that the obligation of celebrating the mass for the particular intention is fulfilled. However, this privilege exempts pastors of the Congregation of the Mission who work in the parishes entrusted to the Congregation of the Mission presenting to the local ordinary the mass intentions book.

¹²¹ Cf. *ibid.*; S. KANJIRATHAMKUNNEL, *Privileges of the Congregation, Text and Commentary...*, cit., 59.

¹²² Cf. *ibid.*, 69-70.

¹²³ Cf. *ibid.*, 71.

6.6. *Privileges concerning the Sacrament of Penance: Absolution of the Censures*

The priests of the Congregation of the Mission who have faculties to hear the confessions can absolve censures reserved to the ordinary by the particular law but only in the internal forum and in the context of the sacramental confession that takes place during missions, spiritual exercise and days of retreat whether inside or outside of the congregation's houses.¹²⁴

Through this privilege the priests of the Congregation of the Mission can absolve only the *ferendae sententiae ab homine* and not *latae sententiae* which is declared and *ferendae sententiae a iure*.¹²⁵

6.7. *Privileges concerning the Liturgy: Dispensing the Liturgy of Hours*

Major superiors, local superiors and personal confessors of the Congregation of the Mission can dispense their subjects from reciting the liturgy of the hours when there is a just reason only on condition that the individual will recite some other (vocal) prayers.¹²⁶

The present Code c. 1174 § 2 states clearly that clerics, and also member of the institutes of consecrated life and of societies of apostolic life, are obliged to recite the liturgy of the hours in accordance with their constitutions. The constitutions article 45 § 3¹²⁷ encourages the members of the congregation to recite the liturgy of the hours. And the Common Rules X, 5 exhorts to take great care in praying the liturgy hours properly by giving reverence, attention and devotion and in doing so they praise God in their celebration and thus share the role of angels.¹²⁸ However, this privilege of dispensing the individual confreres from the obligation of reciting the liturgy of the hours by the superior is given and still in force even in the time of modern gadgets due to the

¹²⁴ Cf. *ibid.*, 78.

¹²⁵ Cf. *ibid.*; J. ARIAS, *Sanctiones in the Church*, E. CAPARROS, M. THERIULT and J. THORN (eds.), *Code of Canon law Annotated...*, cit., 1017-1086; J. SANCHÍS, *Penal Law and Penal Precept*, in ExCom, IV/1, 231-254.

¹²⁶ Cf. M. P. FLORES, *Los Antiguos Privilegios de la Congregación de la Misión...*, cit., 90.

¹²⁷ The Article 45 § 3 states: «In celebrating the liturgy of hours, we unite our hearts and voices to sing the praises of the Lord, raise our prayer continually in his sight, and intercede for people everywhere. For this reason, we celebrate morning and evening prayer in common unless excused by reason of the apostolate» (*CSCM*, 46).

¹²⁸ Cf. *CSCM*, 139-140.

reason of special pastoral ministry or sickness. However, it has to be substituted with some other vocal prayers.

6.8. *Privileges concerning Temporal Goods*

6.8.1. Prescription of Temporal Goods

Immovable goods, precious movable goods, rights and legal claims, whether personal or real, which belong to the juridical person of the Congregation of the Mission are prescribed not by a period of thirty years as stated in c. 1270 but one hundred years.¹²⁹

According to the present Code, prescription is a means of acquiring or losing a subjective right. It is also a means of freeing oneself from obligations.¹³⁰ According to c. 1270 the period for prescription is one hundred years for immovable goods, «precious movable objects»¹³¹ belonging to the Apostolic See; for those which belong to another public ecclesiastical juridical persons are subject to prescription of thirty years. This privilege is taken literally from c. 1270 of CIC. It states that the goods of the Congregation of the Mission have the same period of prescription of a hundred years as that of the goods of the Apostolic See. However, this privilege is valid only in the ecclesiastical forum.¹³² In this context one must also remember the Church normally accepts only what is adopted in the civil law of each country. However, the civil law time period of prescription is generally briefer.¹³³

6.8.2. Alienation of Temporal Goods

The superior general can give permission to alienate the temporal goods of the Congregation of the Mission without the consent of his council if the so-called process fulfils the norms established by the universal law of the Church.¹³⁴

¹²⁹ Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 69.

¹³⁰ Cf. cc. 197, 1268.

¹³¹ The expression precious movable objects has to be understood as refers to the objects of notable value due to their material composition such gold, plantium, diamond etc or because of their status as antiques, artistic, or historical treasures or objects of veneration (cf. R.F. KENNEDY, *The Temporal Goods of the Church*, in J.P. BEAL, J.A. CORIDEN and T.J. GREEN (eds.), *New Commentary on The Code of Canon Law...*, cit., 1472).

¹³² Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 69.

¹³³ Cf. R.F. KENNEDY, *The Temporal Goods of the Church*, in J.P. BEAL, J.A. CORIDEN and T.J. GREEN (eds.), *New Commentary on The Code of Canon Law...*, cit., 1472.

¹³⁴ Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 69.

According to c. 638 § 3, the validity of alienation of goods which form part of the stable patrimony of the juridical person is dependent on the permission of the competent superior with the consent of the council. Accordingly, this canon instructs the superior general of the religious institute or society of apostolic life to seek consent of the council before the alienation. The same idea is also reflected in the constitutions. It states: «For the validity of alienation and any other transaction in which the patrimonial condition of a juridical person can be affected adversely, there is required the written permission of the competent superior with the consent of his council. If moreover, it concerns a transaction which exceeds the highest amount defined for a given region by the Holy See, or items given to the Church in virtue of a vow or items of precious art or of historical value the permission of the Holy See is also required».¹³⁵ With this privilege the superior general of the Congregation of the Mission can go against the proper law of the institute and the universal law. However, since it is an issue of great importance to follow the constitutions, it is advisable to get the consent of the council before giving permission. However, if he does not seek the consent of his council by reason of this privilege, his decision would be lawful and valid.¹³⁶

6.8.3. Changing the destination of the Goods

Major superiors of the congregation of the Mission can change the destination of the goods received from a legacy *inter vivos* to another purpose but they must always avoid giving scandal.¹³⁷

Canon 1300 states: «the intentions of the faithful who give or leave goods to pious causes, whether by an act *inter vivos* or by an act *mortis causa*, once lawfully accepted are to be most carefully observed, even in the manner of the administration of the goods, without prejudice to the provision of c. 1301 § 3». One has to keep in mind that this privilege is an exception to the above mentioned c. 1300. Through this privilege major superiors of the Congregation of the Mission can designate goods received for one purpose for another purpose. However, this privilege does not foresee disposing of goods received for a pious intention.¹³⁸

¹³⁵ Article 155, *CSCM*, 87.

¹³⁶ Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 69-70.

¹³⁷ Cf. M. P. FLORES, *Los Antiguos Privilegios de la Congregación De la Misión...*, cit., 96.

¹³⁸ Cf. *ibid.*; S. KANJIRATHAMKUNNEL, *Privileges of the Congregation, Text and Commentary...*, cit., 66.

6.8.4. Decision to give Goods of One House to Another

The superior general of the Congregation of the Mission has the competence to decide that the goods of one house be given to another house that is in need, if he prudently judges it necessary.¹³⁹

This privilege may seem to be restrictive of the autonomy of the houses¹⁴⁰ of the congregation. However according to Pérez Flores, this privilege is in force.¹⁴¹ Any specific principles in the constitutions or statutes of the congregation supporting this privilege are not found. However, in considering the common good of the congregation the superior general may use this privilege if necessary.

CONCLUSION

This article has tried to put down some specific points and areas where there is need to be subjected to the bishop in the works of apostolate as members of the Congregation of the Mission in the context of the South Indian Province. The privileges of the institute which form the patrimony of the institute have also been laid out. It is known that in the context of the works of the apostolate in the diocese, every religious institute or society of apostolic irrelative of their juridical state or condition, are related to the bishop equally and «subject» to his power. St. Vincent de Paul always insisted on obedience to the bishops in his conferences. According to St. Vincent, members of the Congregation of the Mission (Vincentians) should sincerely and faithfully obey the bishops where the congregation has houses. The reason for this obedience comes not from the mere reason for apostolate but from the example of Jesus Christ who was obedient to St. Joseph and Blessed Virgin Mary. The subjection and obedience to the bishop which is expressed in article 38 § 2 of the constitution states: «We should also obey the bishops in whose diocese the congregation is established, in accordance with universal law and the law

¹³⁹ Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 96.

¹⁴⁰ Article 150 § 1 states: «Houses, local communities, provinces and the Congregation itself are capable of acquiring, possessing, administering and alienating temporal goods. When the case requires it, superior at the various levels are the legal representatives, even before the civil authority, unless it has been provided otherwise» (CSCM, 85).

¹⁴¹ Cf. M. P. FLORES, *Privilegios Antiguos y Derecho Nuevo...*, cit., 70.

of our Institute following the mind of the founder and spirit of St. Vincent». This aspect is also reflected in the norms of each province. And therefore, the visitor's guide emphasizes that despite its autonomy the congregation is nonetheless subject to the bishops in matters concerning public worship, the care of souls and other works of the apostolate. Although the universal law is applied in all the pastoral works with subjection looking at proper laws of the institute and the norms of the South Indian Province, the main areas of subjection are limited to the erection of the religious houses and parish ministry and alienation and loans when it exceeds the limit defined by the episcopal conference, religious dress and removal from the diocese and popular mission where they needed be subject to the bishop.

As India is a huge country and there are fourteen regional Bishops Council that come under CCBI, the above-mentioned areas may not be the only areas where the members may be subjected to the bishop. These may differ from one ministry to another or one diocese to another. What is ultimately needed in the relationship with the diocesan bishop is the fidelity and love for the charism of the institute and also dialogue and cooperation and collaboration with the bishop. As members of the institute, they should be conscious of the diocesan commitments and as part of the diocese they should be aware of the commitment to the charism of the institute. The diocesan bishop should respect the privileges and autonomy of the congregation. As a member of the Congregation of the Mission one can participate effectively in the apostolate of the particular church and of the universal Church by obeying the primarily proper norms of the institute, the particular norms of the diocese and episcopal conference and universal norms in the Church. The visitor must also visit the bishops of the dioceses frequently where the province has houses and speak to them and discuss the progress and shortcomings of pastoral work with the bishop; they also should feel as religious they belong to the diocese and should show obedience and submission to the bishop and give more importance to the larger common good of the Church without diluting the spirit and character of the congregation. However, a true balance between the institute and the diocesan bishop in the exercise of apostolate is very important in order to employ the gifts and charism of the congregation to accomplish the pastoral plan of the diocese.

Appendix 1
STATISTICS OF THE CONGREGATION OF THE MISSION

Number of confreres involved in the ministries listed below. Each confrere is counted only once, considered under his principal ministry, as of 31 December 2020.

Ministries	Bishops	Priests	Deacons	Brothers	Students
01. Parish (popular) Missions to the faithful	1	123	8	6	
02. Parishes	2	843	20	13	
03. Pilgrimage sanctuaries		74			
04. Semaries and clerical formation		245	13	8	7
05. Mission Ad Gentes	1	204	3	3	1
06. Mission for long term	1	105	6	10	
07. Daughters of Charity (Director, Chaplain)		72			
08. Schools (primary, secondary, superior, professional)		162		13	
09. Social Communications (publications, radio, television)		29	1	2	
10. Special studies		81	4	1	7
11. Chaplains (military, immigrants, hospital, associations)		95		2	
12. Chaplains (Vincentian Lay Groups)		72			
13. Direct Service of the Poor		38	1	8	
14. Manual work		9		12	
15. Administration	11	131		10	1
16. Retired, ill, convalescing	11	287	2	14	
17. Other	1	98	2	15	8
18. Absence from the Congregation		135	5	2	
Total	28	2803	65	119	24

Provinces	Houses & Incorporated members							
	Houses	Bishops	Priests	Deacons	Permanent Deacons	Brothers	Students with vows	Total Members
General Curia	11	0	30	0	0	0	0	30
AFRICA	65	5	414	13	0	20	3	455
Cameroon	7		45			4	2	51
Congo (Dem.Rep)	13		55	2		2		59
Ethiopia	6	3	48	1		3		55
Madagascar	10	1	84	4		9		98
Mozambique	7	1	18			2	1	22
Nigeria	14		121	6				127
St. Justin de Jacobis	8		43					43
AMERICA	172	10	859	21	2	46	8	946
Argentina	7	1	32	1				34
Brazil – Curitiba	8	1	64			1		66
Brazil – Fortaleza	5	2	39					41
Brazil – rio De Janeiro	7		49	3		7		59
Central America	11	1	38	1		2	1	43
Chile	6		24	1		2		27
Colombia	33		158	6		10	5	179
Costa Rica	3		11			1		12
Ecuador	5		26			1		27
Mexico	18		81	2	1	2		86
Perú	12	1	46	4		1		52
Puerto Rico	15	1	56			1		58
U.S.A. Eastern	18	2	90	1		5	1	99
U.S.A. New England	6		20					20
U.S.A. Western	18	1	125	2	1	14		143
ASIA	78	5	632	19	0	13	7	676

Provinces	Houses & Incorporated members							
	Houses	Bishops	Priests	Deacons	Permanent Deacons	Brothers	Students with vows	Total Members
China	2		29					29
Indonesia	12		105			1	5	111
North India	15	2	113	3		2		120
South India	16	1	158	2		2		163
Orient	8	1	32			1	2	36
Philippines	14	1	104			3		108
Vietnam	11		91	14		4		109
EUROPE	152	8	837	7	1	37	5	895
Austria – Germany	7		28	1				29
France	17		82			10		92
Ireland	7		35					35
Italy	26	3	123		1	2	1	130
Poland	27	1	236	5		2	4	248
Portugal	7	1	29					30
Slovakia	7		29			4		33
Slovenia	8	2	35			1		38
Spain – Saint Vincent de Paul	24	1	137	1		16		155
Spain – Zaragoza	15		81			2		83
SS.Cyril and Methodius	7		22					22
OCEANIA	6	0	31	2	0	3	1	37
Oceania	6		31	2		3	1	37
Total	484	28	2803	62	3	119	24	3039

Appendix 2
ALIENATIONS AND LOANS:
REQUEST OF PERMISSION FROM THE HOLY SEE

- The Various episcopal conferences determine for their respective countries the sum above which it is necessary to request permission from the Holy See for an alienation or a loan.
- Below this sum, the permission of the Holy See is not required. However, it may be necessary to request permission of the superior general if the sum goes beyond that which according to the provincial norms, the Visitor with the agreement, is authorize to alienate or borrow.

ALIENATIONS (SALE OR RENT)

Documentation for preparing the presentation to the Holy See

1. The name of the petitioner (the Visitor of the Province house property is to be sold or rented).
2. The property to be alienated: description, site, etc.
3. The name of the owner (juridical person having title to the property)
4. How the property was acquired: purchase, gift, legacy etc.
5. Estimate of the value of the property, done by experts. The justification of this document is to protect the community and to be assured that it will receive a fair price for this property.
6. The reason for the sale.
7. The buyer or buyers.
8. How the money from the sale will be used.
9. If other rescripts have been issued by the CIVCSVA for other sales in the same province, indicate the protocol numbers of these.
10. The permission of the Visitor with the consent of his council.
11. The consultation (not the permission) of the bishop of the diocese in which the property to be sold or rented is situated.
12. The permission of the superior general with the consent of his council.

Some officials of the CIVCSVA accept the testimony of superiors with regard to the consultation of the bishop and the estimation, but others are more demanding in requesting the written documents from the bishop and an expert.

LOANS

Documentation for preparing the presentation to the Holy See

1. The name of the petitioner (visitor of the province which wishes to take out a loan).
2. The name of the entity (province, canonical house, hospital, school etc.) for which one wishes to take out a loan.
3. The purpose of the loan.
4. The form of the loan (direct, issue of titles, etc.).
5. The bank, company, society from which the loan will be obtained.
6. The interest rate.
7. The rate of paying off.
8. The financial situation of the juridical person involved demonstrated by a financial audit of the last three years.
9. The preciously existing debts, if there are any of the juridical person concerned. Indicate the protocol number of rescripts by which the CIVCSVA granted the necessary permission for contracting these debts.
10. The permission of the Visitor with the consent of his council.
11. The consultation of the bishop of the diocese in which the juridical person in questions found.
12. The permission of the superior general with the consent of his council.

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