

A Report of the 7th Annual Meeting of the Tamil Nadu Canonists' Association

The seventh Annual Meeting of the Tamil Nadu Canonists' Association was held on 9th and 10th February 1999 in St. Paul's Seminary, Tiruchirappalli. Twenty two canonists took part in the meeting.

After a short reflection on a scripture passage given by Fr. M. Rajasekaran, Fr. E. John Kulandai, Rector of St. Paul's Seminary inaugurated the meeting. He underlined the relevance of the topics to be discussed in the meeting and encouraged the Tamil translation of the 1983 Code undertaken by the Tamilnadu canonists and sponsored by St. Paul's Seminary.

The Tamil translation of Book V was presented by Fr. Arul Joseph and the first copy was received by Fr. E. John Kulandai.

Fr. S. Joseph of the Diocese of Udhamandalam read out a paper on "Antisocial Personality Disorder: An Incapacity to the Interpersonal Relationship in Christian Marriage" [can.1095/2-3]. He explained that Interpersonal relationship is a constitutive element of every marriage. The "affectionless personality" may be regarded as "antisocial personality". Such a person is incapable of making a life-long commitment to one person in marriage.

Another paper was read out by Fr. Antony Michael of the Diocese of Sivaganai on "The Sacrament of Reconciliation and Censure". He covered the biblical, theological and canonical aspects of the sacrament of Reconciliation. He also stressed the need for and the spirit of censures in the church with a special reference to priests affected by censures.

The following canonists gave a short synopsis of their doctoral thesis.

1. Fr. M. Philomindas of the Diocese of Kumbakonam: "Religious in their relation with the Diocesan Bishops and Diocesan Clergy – with a special reference to Indian context".
2. Fr. Peter Thumma of the Archdiocese of Chennai – "The Incapacity of Drug Addicts to elicit matrimonial consent".
3. Fr. George Vincent of the Diocese of Kottar: "A comparative study of the schema Novissimum, 1982 and the code of canon Law 1983, the options of John Paul II as Universal Legislator.
4. Fr. Henry Maria Louis of Udhamandalam Diocese gave a summary of his dissertation on "Catholic Education in the context of Tamilnadu".

The participants shared their experiences in handling marriage annulment cases in their respective tribunals. The establishment of a marriage-counseling centre in each diocese was recommended. The need for a perfect coordination between this centre and the Diocesan Tribunal was stressed so that married couples could be helped to overcome their crisis in marriage.

Final Statements of the Canonists of Tamilnadu

The canonists of Tamilnadu in their 7th Annual Meeting held in St. Paul's Seminary on the 9th and 10th February, 1999, would like to make the following statements to promote the pastoral welfare of the Christ's faithful of Tamilnadu.

I. The canonists discussed can. 1095 which declares that those who are suffering from mental illness or personality disorders in a marked way are incapable of contracting marriage. If they contract marriage, their marriage could be declared null and void by Ecclesiastical Tribunal.

The Ecclesiastical Tribunals of Tamil Nadu are encountering a number of marriage cases involving mental illness or personality disorders. Hence we propose the following suggestions:-

1. In each diocese a Marriage Counseling Centre is to be established. There is to be a perfect coordination between the counseling centre and the diocesan Tribunal so that if the Tribunal encounters marriage cases which need counseling, it could refer them to the counseling centre; similarly if the counseling centre encounters marriage cases which need annulments, it can refer them to the Diocesan Tribunal.

2. a) Many of the marital break downs are due to the lack of premarital preparations and post marital pastoral care.

Pope John Paul, in his Apostolic Exhortation "Familiaris Consortio" speaks of the remote, the proximate and the immediate preparations for marriage. The pastors are to scrupulously follow these three stages of marriage preparation. They are also expected to help the couples in marriage crisis before the marriage breaks down beyond reconciliation.

b) It is not enough that the prospective couples participate in a seminar arranged by the diocesan family commission for them.

The parish priest himself or his delegate priest must do the immediate preparation for the marriage during the pre-nuptial investigations.

c) The updated pre-nuptial investigation form is to be filled by the parties only after due marriage catechesis given by the parish priest or his delegate priest.

d) If certain mental or personality disorders are suspected in the prospective couples, the parish priests may not proceed with the publication of the banns before consulting the local ordinary. Prevention is better than cure.

3. The prescriptions of canon Law regarding general and particular delegation to assist at marriages are to be strictly adhered to.

II. The canonists also discussed on "The sacrament of Reconciliation and censure". As a result they put forward the following suggestions with a view to fostering the pastoral welfare of Christ's faithful.

1. The practice of individual confession and individual absolution is on the decrease. The pastor is to make himself available for the confession of his parishioners on fixed days and at fixed times.

2. The diocesan bishop is expected to grant habitual faculty to hear confession to the newly ordained priests immediately after their ordination.
3. The religious priests who receive habitual faculty to hear confessions from the local ordinary of their domicile can hear confession all over the world (The Religious acquire a domicile in the place where the house to which they belong is situated. Cfr. Can.103)
4. Whenever penal sanctions are imposed or declared, the procedure laid down by the penal code is to be strictly followed:
 - a) There can be no penal sanction without a violation of a penal law.
 - b) No penal sanction is to be taken without previous warning.
 - c) Clerics under censures are to be maintained by their respective ordinaries unless they are dismissed from the clerical state itself.
 - d) In imposing censure, a judicial procedure is to be preferred to an administrative procedure. The culprit is to be given every opportunity to defend himself.
 - e) Laws take precedence over law. Hence canonical sanctions may be imposed as a last resort.
5. A priest who has attempted a civil marriage is not excommunicated but only automatically suspended (Suspension prevents only the active use and not the passive use of the sacraments).

According to a confidential instruction of the sacred penitentiary, Rome (1987), a priest in irregular marriage can be sacramentally absolved by the confessor and he can be allowed to receive the sacraments provided he suspends all sexual relationship with the woman with whom he is living and there is no public scandal. He needs to be advised either to return to the ministry or to obtain from the legitimate authority of the church some kind of permission to live outside of the priestly state.

Priests who have attempted marriage incur an irregularity regarding the exercise of the order. The dispensation from this irregularity in public situations is completely reserved to the Apostolic See (Can. 1044, P.1, n.3 and Can. 1047, P.3).

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