
**CLEMENS PUJOL S.J. (1908-1998)
AND HIS CONTRIBUTION
TO EASTERN CATHOLIC CANON LAW***

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§1. Introduction

This year the Eastern Canon Law Faculty of the Pontifical Oriental Institute in Rome celebrates its fortieth anniversary. Today we commemorate this anniversary by reflecting on our history from the founding of the Institute to the present. My specific task this morning is to highlight some of the significant contributions to Eastern Catholic Canon Law at the “Orientale” made by Father CLEMENT PUJOL of the Society of Jesus. In order to do this I will begin with a brief general history of canon law at the Institute, followed by Father PUJOL’s specific contributions as student, professor and administrator in this history of the Oriental Canon Law Faculty and finally his principle academic contribution.

§2. History of the Oriental Canon Law Faculty

The Pontifical Oriental Canon Law faculty at the Pontifical Oriental Institute in Piazza Santa Maria Maggiore was formally established by the decree *Canonicae Orientalium Ecclesiarum legis* of PAUL VI, issued through the Congregation for Catholic Education on 7 July 1971.¹

* Relazione presentata in occasione della Giornata di Studio: «*La Facoltà di Diritto Canonico Orientale del Pontificio Istituto Orientale (1971-2011). Riflessioni sui primi quaranta anni di attività scientifica e suo influsso sulla scienza del diritto canonico orientale*», Roma, Pontificio Istituto Orientale, 12 dicembre 2011.

¹ *AAS* 67 (1971), 791-792.

However, the teaching of Oriental Canon Law existed at the Oriental Institute since its founding by BENEDICT XV with his *motu proprio, Orientis catholici* on 15 October 1917.² The founding of the Oriental Institute was part of BENEDICT XV's program for matters dealing with the Oriental Church. This began with his granting autonomy to the Sacred Congregation for the Oriental Church in 1917.³ An essential part of his Oriental program was the desire to create unity within the Church. Likewise to this same end, PAUL VI in founding the Eastern Canon Law Faculty quotes a passage from St. PAUL to the Ephesians.

«Make every effort to preserve the unity which has the Spirit as its origin and peace as its binding force. There is but one body and one Spirit, just as there is but one hope given all of you by your call. There is one Lord, one faith, one baptism; one God and Father of all, who is over all, and works through all, and is in all». (Eph. 4: 3-6)

Actually the first canon law course offered at the Oriental Institute was in the initial academic year of 1918-1919. The course was “*ius ecclesiasticum orientale*” offered by an Augustinian father ROMUALD SOUARN. By 1922⁴ the renowned Jesuit canonist from the Gregorian University, Father CAPPELLO S.J., began teaching Oriental canon law at the Institute. PIUS XI in his encyclical *Rerum Orientalium*⁵ on 8 September 1928 confirmed and encouraged the six year old Jesuit apostolate at the “Orientale”. Specifically he noted how he entrusted the work of the Oriental Institute to the General of the Society of Jesus, because of his love towards the Holy See and the obedience the General owed to the Vicar of Christ. However, the supreme direction of the Institute is always to be reserved to the pope.⁶ The General of the Society of Jesus is to find men capable of filling the difficult offices of rector and lecturers and the Jesuit General either directly or through the rector is to propose to the pope those he considers competent to lecture on various subjects at the Institute. PIUS XI also noted that the number of students, as the nature of the Institute

² AAS IX 1 (1917), 531-533.

³ «*Dei providentis*» in AAS IX (1917), 529-531. Earlier PIUS IX created the *Congregatio de Propaganda Fide pro negotiis ritus orientalis* on 6 January 1862 with the Apostolic Constitution «*Romani Pontifices*» Also see: POGGI V. *Lettera di Delpuch a Benedetto XV (10.09.1917)*, in «*Orientalia Christiana Analecta*» 284 (2009), 37-57.

⁴ AAS 14 (1922), 545-546, «*Dilecte fili*» - «*Decessor Noster*» entrusts the Pontifical Oriental Institute to the Society of Jesus

⁵ AAS 20 (1928), 309-310.

⁶ This is already stated in 1917 in *Orientis catholici*: «*I. Institutum studiis rerum orientalium provehendis Romae esto, quod, praecipua sub vigilantia curaque Summi Pontificis positum, pontificii titulo decoretur. II. Illud S. Congregationi pro Ecclesia Orientali proxime subiectum erit, per eamque Nobis ac Nostris successoribus*».

requires, has not been, nor ever will be very large, but it is the quality of the graduate which is important and which will be of great assistance to the Oriental Churches.⁷

Consequently in 1928 the Gregorian trained Jesuit Father EMIL HERMAN replaced Father CAPPELLO and remained as a professor at the “Orientale” until 1959. During his 31 years of teaching canon law at the Oriental Institute, Father HERMAN spent 20 years also as rector. During this pre-ecumenical age, before Vatican II, he strongly encouraged relations with the Orthodox Churches. In a few words he did, to quote St. PAUL again: «*Make every effort to preserve the unity which has the Spirit as its origin and peace as its binding force*». Indeed, he was the first rector at the “Orientale” to actively encourage non Catholics to attend courses.⁸ Father HERMAN’s first canonical publication at the “Orientale” was an important annotated study of «*Cum data fuerit*» (March 1, 1929), which in article 12 enforced clerical celibacy among Oriental Catholics in the United States of America. From the year 1930 he was a consultant for the Sacred Congregation for the Oriental Church and in 1935 he became a member of the Pontifical Commission for the Redaction of Canons, producing his famous *de fontibus* in 1936. The following year he became a member of the *Consulta di redazione* for the final texts of the canons. His work here, along with – the later to be cardinals – LARRAONA and COUSSA, culminated in the *motu proprio* «*Crebrae allatae sunt*», subsequently promulgated as the Oriental Catholic marriage law by PIUS XII in 1949. Of Father HERMAN’s 102 catalogued publications, of special note are two of his publications which remain until today the standard reference works for Russian Church law sources in Latin. One of these he co-authored with his fellow Jesuit Father from the Gregorian who also taught at the Orientale, Father WUYTS S.J.

PIUS XI in his Apostolic Constitution «*Deus scientiarum Dominus*»⁹ in 1931 reformed the *curriculum* at pontifical institutions, which in turn created the Statutes for the Oriental Institute. These Statutes were approved on 7 August 1934 by the Congregatio de Seminariis et Studiorum Universitatibus. At this time the Institute was made up of only one faculty,

⁷ The *motu proprio Quod maxime* of PIUS XI from 30 September 1928 [AAS 20 (1928), 309-315] is the basis for art. 2 of the *Statuta Pontificii Instituti Orientalis* of 1985: «*Pontificum Institutum Orientale, aequae ac Pontificium Institutum Biblicum, cum Pontificia Universitate Gregoriana est consociatum, ea tamen lege ut sui iuris esse pergat*». This interaction of professors with the Canon Law Faculty of the Gregorian University and the Oriental Institute, which already began in 1922 and subsequently took on different forms, exists until today.

⁸ In fact this idea is already presented in 1917 in *Orientis catholici* (n. VI.) and is a stated desire in *Rerum orientalium* (1928), Cf. n. 8.

⁹ AAS 23 (1931), 241-284, *De Universitatibus et Facultatibus Studiorum Ecclesiasticorum*.

the *Facultas Scientiarum Ecclesiarum Orientalium*, divided into three sections: theology, liturgy-canon law and history. This was to remain the case until 2 July 1963 and the decree «*Quo arctior*»¹⁰ of PAUL VI from the *Congregatio de Seminariis et Studiorum Universitatibus*. This decree created a canon law section at the Institute which granted academic degrees through the Faculty of Canon Law at the Gregorian University.¹¹ The situation changed with the “aggiornamento” of Vatican II in what we celebrate today forty years later, the creation on 7 July 1971 of the only Eastern Catholic Canon Law Faculty in the world. This is a faculty which is accredited to confer all three different grades of academic degrees in oriental canon law: a diploma, a license and a doctorate.¹²

In a few words, our purpose is to solidly form those who will form others within their own Churches. This was the express wish of the Holy Fathers from BENEDICT XV to BENEDICT XVI. Namely, as codified in our 1985 *Statutes* the finality of our Institute in general, as well as the Oriental Canon Law Faculty in particular, is that:

«The nature and main characteristic of our Institute in Rome is to be a seat of higher learning and advanced studies of Oriental questions. The ultimate goal of our Institute is to better know the Christian Orient, both ancient and modern, especially the actual living conditions, and to promote a mutual comprehension between western and eastern Christians, according to the spirit of Vatican II». (*Statutes*, Art. 3).

Within the historical context mention must be made of the very significant role our faculty played in the development of the Oriental Code of Canon Law which was promulgated by JOHN PAUL II on 18 October 1990. Actually, Father PUJOL along with others directly collaborated in a very constructive way in the work of the Pontifical Commission for the Revision of the Oriental Code of Canon Law. Also many members of the pontifical commission were former students of our canon law faculty. Especially notable among the faculty was Father IVAN ŽUŽEK S.J., who was nominated by PAUL VI as Pro-Secretary of the Pontifical Commission for the Revision of the Oriental Code of Canon Law (1972-1977) and who was reconfirmed as Secretary by JOHN PAUL I (1978) and JOHN PAUL II (1978-

¹⁰ *Acta Pontificii Instituti Orientalium Studiorum* (Augusto 1963), 4.

¹¹ The Canon law Faculty at the Gregorian traces its founding to the time of PIUS IX on 16 August 1876 and its reconfirmation and the ratification of its program by LEO XIII on 29 July 1896.

¹² The legal structure of the Institute and of the Oriental Canon Law Faculty are currently in line with the directives of the Apostolic Constitution «*Sapientia cristiana*» of 15 April 1979 [*AAS* 71 (1979), 469-521] and there was the addition of an introductory year in the 2002-2003 academic year for both faculties. See: *Statuta Pontificii Instituti Orientalis*, Romæ (1985), 25-26, artt.: 93, 94 and 95.

1990). During this time he was also responsible for the publication of the thirty-one volumes of *Nuntia* (1973-1990), the official records of the meetings which produced the Oriental Code and which until today are the main means to interpret the Oriental Code. JOHN PAUL II also nominated Father ŽUŽEK as Undersecretary of the Pontifical Council for the Interpretation of Legislative Texts (1991-1995).

The various activities undertaken by the first professors at our Institute are continued in a variety of ways by our faculty today.¹³ In general, the main task of our faculty is to expound the Oriental Catholic Canon Law which is codified in the *Codex Canonum Ecclesiarum Orientalium*. This is done in a very comprehensive way since our faculty is also the only academic faculty which in its curriculum of studies offers a broad selection of courses on the sources of canon law in the various Oriental traditions – such as the Byzantine, Alexandrian, Antiochian, Chaldean and Armenian, along with the various divisions within each of these traditions. This is in addition to the material contained in the 1,546 canons of the Oriental Code. The context is both Catholic and Orthodox within the actual situations of the particular law of the various Oriental Catholic Churches. All of the teaching of the material of the Oriental Code is always in reference to the Oriental traditions in their particular historical context and within their particular ecclesiastical settings. The specific Catholic context also treats the contrast and interplay which exists between the Oriental Code, the Latin Code of 1983 and the 1988 apostolic constitution *Pastor Bonus* concerning the Roman Curia.

In a 1987 document from the Congregation for Catholic Education,¹⁴ there is a summary presentation of the constant care of the popes for the Oriental Catholic world. It quotes JOHN PAUL II that «the Church must learn to breathe a new with its two lungs, that of the Orient and of the Occident» (§1). The observations and directives offered in this document, to all bishops, rectors of seminaries and heads of ecclesiastical faculties, stress the importance of Oriental Christian studies not only for ecumenical purposes, but also in the face of the reality of the situation where there are ever more faithful from the East who have come to the West. As stated in our *Statutes* (Art. 3), a special meeting place for this encounter between East and West is indeed the Pontifical Oriental Institute. An

¹³ For a brief survey of this material see: PRADER J., *Il Pontificio Istituto Orientale e il Diritto Canonico delle Chiese Orientali*, «*Orientalia Christiana Analecta*» 244 (1994), 180-195.

¹⁴ *Les études sur les églises orientales*, 6.I.1987. Congrégation pour l'Éducation Catholique, Lettre circulaire *Eu égard au développement touchant les études sur les églises orientales*, 6 janvier 1987, prot. N. 340/86 : *La Documentation Catholique*, Paris (19.7.1987), 769-771. In Italian: *L'Osservatore Romano*, Città del Vaticano (16.4.1987), 6. *Enchiridion Vaticanum* 10 (1986-1987), 802-817.

Institute rooted in the faith that what Christ says in the Sacred Scripture is true, passed on in the Tradition of the Church with its variety of rites, as interpreted by the living *Magisterium* of the Catholic Church.

Although the Oriental Code of Canon Law remains principally a work which is juridical in nature, due to the social nature of the Church founded on the authority of jurisdiction, the main point always remains that the ultimate purpose of the Code is life with Christ in this world and in eternity. This is clearly expressed in one of the most important guidelines for the production of the Oriental Code. «Nel Codice infatti si deve trovare principalmente un complesso di legge per dirigere i cattolici nella pratica della loro vita cristiana allo scopo di raggiungere il fine della stessa vita cristiana, cioè la vita soprannaturale e quindi la vita eterna»¹⁵. The legacy we have received from those who have gone before us not only in these last forty years, but since 1917 is indeed rich and we have a responsibility to make it even richer so it will continue to bear much good fruit¹⁶.

§3. Father PUJOL S.J. as student, professor and administrator

Father Clement PUJOL S.J.¹⁷ was born 16 May 1908 in the village of Vinyoles d'Oris, in the municipality of Les Masies de Voltregà (Osona) in the diocese of Vic in the area of Barcelona, Spain. His pious parents, MIQUEL and FILOMENA presented him for baptism in Vic in the parish church of Saint Stephen. He entered the seminary in Vic at age ten and remained there for three years, the youngest among his companions, where he studied grammar, rhetoric and mathematics. Following this he studied philosophy for three years followed by one year of theology, where he was also taught by a Canon who was his maternal uncle. After this one year of theology studies he attended the Jesuit University of Comillas in preparation for his ordination which took place on 25 July 1932. After ordination he was

¹⁵ *Nuntia* I (1973), 26.

¹⁶ In general for a well documented history of the first seventy five years of the Pontifical Oriental Institute see: POGGI V., *Il Pontificio Istituto Orientale da Benedetto XV a Pio XI*, in «*Orientalia Christiana Analecta*» 244 (1994), 55-81. Also see: POGGI V., *Il settantennio del Pontificio Istituto Orientale*, in *Seminarium*, nova serie XXVII, n. 3 (luglio-settembre 1987), 207-221. Also see: DE' GIOVANNI G.: «Nel Pontificio Istituto a Santa Maria Maggiore, La nuova Facoltà di diritto canonico orientale, È la prima e finora l'unica istituita nel mondo», in *L'Osservatore Romano* (5 March 1972), 4.

¹⁷ Fr. CLARENCE GALLAGHER S.J. Rector of the Pontifical Oriental Institute 1990-1995, in 1994 requested Fr. PUJOL to write his autobiography. He presented his completed work to Fr. GALLAGHER in December 1984, "*Les meves Memories*". This was published in Italian by Fr. VINCENZO POGGI in *Orientalia Christiana Periodica* 65 (1999), 5-17. Fr. PABLO GEFAELL used the *Orientalia Christiana Periodica* publication as well as the original of PUJOL for a presentation in Nyiregyháza, Hungary 20-22 April 2007: "*The Contribution of Climent Pujol i Villegas, S.I. (1908-1998) to the Development of the Oriental Canonical Science*". These presentations and other documents are used in the present presentation.

allowed to go to Barcelona and for five months he worked on the *Catalunya Social Review*. Here, he had already decided to join the Society of Jesus.

In Spain on 24 January 1932 the Society of Jesus was abolished by the Second Spanish Republic because its members paid obedience to a foreign power, the Pope. Due to this Fr. PUJOL entered the Jesuit novitiate in Bollengo (Torino) on the eve of the Epiphany, 5 January 1933. After two years of novitiate and taking his first vows he did an additional year of studies of the humanities. In 1937 he was sent to Rome to continue his studies for three years at the Pontifical Gregorian University. He began his doctorate with the eminent canonist Fr. PEDRO VIDAL. With the death of Vidal on 24 October 1938, PUJOL's new director was Fr. MIGUEL MOSTAZA. Two other professors at the Gregorian who influenced PUJOL were JOSEPH CREUSEN, the second moderator of this doctoral thesis and RAMÒN BIDAGOR. Fr. PUJOL wrote his doctoral dissertation in Spanish and defended his sixty eight page thesis on the topic of the baptism of an unborn fetus. Subsequently he published it in various parts in Salamanca in the *Revista Española de Derecho Canonico* and in its complete form in Madrid in 1948¹⁸.

During the Spanish Civil War (1936-1939) 4,184 Spanish priests were hunted and killed of whom there were 114 Jesuits. However by May of 1938 the Society of Jesus was restored in Spain and it was granted all the former rights and possessions it had before its dissolution¹⁹. Fr. PUJOL returned to his Jesuit Province of Aragon and his first assignment was to teach canon law in the Jesuit scholasticate of Sarrià. In addition to his teaching, the bishop asked him to help in pastoral tasks such as preaching during Lent in Mahò and in some of the villages of the island of Minorca. His other pastoral works at this time included participation in a popular mission in Barcelona and a novena in Sabadell. While teaching canon law and also engaged in these pastoral activities he developed personal friendships especially with members of the family Renom. He corresponded with these friends throughout his life. He makes an interesting observation in his *Autobiography* when he comments on how he continued to correspond and maintained a friendship with one of the members of the family, Teresa.

¹⁸ PUJOL C., *El problema del bautismo de los fetos abortivos informes. Planteamiento y primera solución*, in *Revista Española de Derecho Canonico* [=REDC] 1 (1946), 697-720; ID., *El problema del bautismo de los fetos abortivos informes en los autores de fines del siglo XIX y principios del siglo XX*, in REDC 2 (1947), 53-75; ID., *El problema del bautismo de los fetos abortivos informes según el canon 747 del Código de Derecho Canónico*, in REDC 2 (1947), 803-818. Complete form published as *El bautismo de los fetos informes según el Canon 747 del Código de Derecho Canonico: Estudio Histórico-Canónico*, Madrid (1948).

¹⁹ See: JEDIN, HUBERT., KONRAD REPGEN and JOHN DOLAN (eds.). *History of the Church*. Vol. X, "The Church in the Modern Age", London (1981), 600-611.

He says he continued to write her: «anche dopo che Teresa si è sposata con il Dr. Joan Argemí. E pur appartenendo ambedue alla Prelatura dell'Opus Dei, ciò non ha raffreddato la nostra amicizia»²⁰. Perhaps this is an early sign of his openness to his later ecumenical endeavors!

During the academic year of 1942, Fr. PUJOL was teaching moral theology and he was also spiritual director at the seminary of Oriola. He enjoyed his work in the formation of future priests and was very content with his manner of life. However, in 1942 he was called back to Rome to replace the Jesuit canonist, Fr. MAZÓN at the Pontifical Oriental Institute. Fr. PUJOL was surprised by this mission to Rome and notes «that good things do not last forever». However, later he says: «Sono 51 anni che sono professore al Pontificio Istituto Orientale e sono contento. Non ho fatto la mia volontà, ma la volontà di Dio, manifestata attraverso i Superiori»²¹.

Fr. PUJOL arrived at the “Orientale” during World War II in June of 1943 when Fr. AMELIUS HERMAN S.J. was rector (18 December 1931-1951). In March 1944 PUJOL taught his first course at the Institute, a special course on Oriental religious. The topic of Oriental religious remained a constant interest throughout his life. He produced his first book on the matter in 1957 followed by a class *dispense* on the topic in 1966, in 1973 and again in 1975²². Interestingly, this same subject was to be the topic of his last publication in 1994²³, four years before he died at the age of ninety. It is his final word on the topic of religious life incorporating his class notes and thoughts on the matter since 1975.

Beginning in March of 1945, he taught his second course at the Institute, a special course on penal law in the Byzantine Church²⁴. By 1945 during the first semester, he was teaching a major three hour course on the sacraments²⁵. In February of 1948 he was teaching a different two hour course on the sacraments²⁶. Then in February 1949 he was repeating his three hour course on Oriental religious. In 1950 he received full immersion

²⁰ POGGI V., *Climent Pujol i Villegas S.J. (1908-1998) Piccole memorie di un grande*, in *Orientalia Christiana Periodica* 65 (1999), 10. Hereafter, *Autobiography*.

²¹ POGGI V. *Autobiography*, 11.

²² *De iure quo religiosi orientales reguntur* (cursus specialis). *De Religiosis Orientalibus ad normam vigentis iuris*, Inst. Orientalium Studiorum 1957, pp. xix. + 590. *De Religiosis Orientalibus ad normam vigentis iuris. Summa*. Romæ, Pont. Inst. Orientalium Studiorum 1966, pp. 116, Ad usum privatum Auditorum. *Facoltà concesse ai religiosi di rito orientale*. Testo e commentario, Roma, P.I.O. 1973, pp. 56. Ad usum privatum Auditorum. *Note sul Diritto Canonico dei Religiosi Orientali*, P.I.O., 1975, pp. 100. For a complete list of PUJOL's other writings on this subject see the bibliography of POGGI, in *OCP* 65 (1999), 14-17 and the presentation of GEFAELL, Nyiregyháza, Hungary 20-27 April 2007.

²³ PUJOL C., *La Vita Religiosa Orientale: Commentato al Codice del Diritto Canonico Orientale* (Cannoni 410-572), Roma, P.I.O., 1994, pp. xvi + 414.

²⁴ *De iure poenali in Ecclesia antiqua byzantina* (cursus specialis).

²⁵ *Ius Canonicum Orientale*.

²⁶ *De sacramentis*.

in matters of the Orient when he taught a three hour course on the history of the sources of Oriental canon law²⁷. Mention is made of these courses to highlight the fact that although Fr. PUJOL received a very solid classical Jesuit education according to the *ratio studiorum* of the Society of Jesus, his education to this point was for the purposes of teaching the 1917 Latin Code of Canon Law. With the preparation and delivery of his initial courses at the “Orientale” he was only beginning his investigation and life long pursuit of Oriental Canon Law.

PABLO GEFAELL in a presentation in 2007 in Nyiregyháza (Hungary) makes this point very well in a translation which he provided for one of Fr. PUJOL’s earliest writings. These words of Fr. PUJOL translated by GEFAELL are a concise summary of the challenges of teaching Oriental canon law at the Pontifical Oriental Institute in the early years. It is also an insight to Fr. PUJOL’s ecumenical views with respect to *Orientalium Ecclesiarum*. This is Fr. PUJOL writing in 1948.

It was necessary that the West and the East, which misunderstood each other, would arrive at a mutual understanding. The barrier of age-old prejudices which arise between the East and the West..., must first be broken down by academic study... With the almost total ignorance of the West about the ways of the East... blame can be placed in the fact that Latin Catholics had scarcely cooperated, and with little interest, in pursuing the work of the reconciliation of the schismatic East. Even worse than this is that frequently those who have dedicated their lives to the apostolic work among Orientals, because of the lack of sufficient academic preparation, have contributed to intensify prejudices about Orientals rather than correct them.²⁸

Year by year Fr. PUJOL developed his knowledge of Oriental Christianity through the courses he taught, the Jesuits with whom he lived, his fellow professors, his scholarly activities and his involvement at the Vatican in matters related to the Orient. His academic contributions are succinctly documented with detailed footnotes by Fr. GEFAELL in the paper he delivered in Hungary 20-22 April 2007. All of these references are also found in the bibliography provided by Fr. POGGI S.J. which is appended to his translation of PUJOL’s *Autobiography*²⁹. Also earlier Msgr. JOSPEH PRADER did an unpublished bibliography of PUJOL’s work. GEFAELL states the following.

²⁷ *Historia fontium Iuris Canonici Orientalis*.

²⁸ This is a freely adapted English version of the quote translated by Pablo Gefaell from the original found in: PUJOL C., *El Pontificio Instituto Orientale de Roma*, in *Revista Española de Derecho Canonico* 3 (1948), 813-823.

²⁹ POGGI V., *Autobiography*, 14-17.

Other research PUJOL did during his long years at the Pontifical Oriental Institute include matrimonial law, interecclesial relations, ecumenical relationships with the Orthodox, the ecclesiastical hierarchy, rites, points on the codification of both the previous Oriental law and the actual 1990 Oriental Code, as well as studies on the problem of the territorial jurisdiction of patriarchs and synods.

He also taught “sacraments” (since 1948). In 1961 he wrote a compendium on sacraments for his students and in 1978 he provided other class notes on sacraments. Other than these works, which are difficult to locate today, he also published diverse articles on specific issues about sacramental law. Specifically on the extension of the faculty for Oriental priests to christen, about the baptism of infants in Oriental Churches and also about the matter for the consecration of the *sanguis*. Before he died, the great professor left a prepared, but unpublished manuscript in Italian of 612 pages on the sacraments in Oriental canon law³⁰.

Another subject which PUJOL taught³¹ was on the temporal goods of the Church. In 1961 he wrote a short article on the subject and in 1964 he published 211 pages of class notes on this topic, which he amended in 1974.

Father PUJOL became part of the academic administration of the “Orientale” in 1948 when for the first time he was a member of the administrative council with Frs. CANDAL, GILL and DE VREIS. He remained in this position until 1959-1960. In addition to his membership on the administrative council of the Institute in 1956 he was promoted to the rank of a major official of the Institute as the chief financial officer until 1963-1964. Here he joined his fellow canonist Fr. ŘEZÁČ S.J. who was Secretary of the Institute and Fr. RAES S.J. the Librarian. In 1962 he became a member of the academic senate and again was part of the administrative council. In 1964, when Fr. GILL S.J. was rector (1962-1967), PUJOL began his main administrative work at the Orientale, first as vice-dean of the Oriental section of the faculty of canon law and then, when Fr. ŽUŽEK S.J. was rector (1967-1972), in 1971 PUJOL became the first dean of the newly created Faculty of Oriental Canon Law at the Pontifical Oriental Institute. Having been largely responsible for the creation of the

³⁰ The above citation of GEFAELL, in general, is taken from his soon to be published 2007 presentation in Hungary, with slight modifications by me. This is some of the material PUJOL was working on during the time before his death while living at the Jesuit residence of Saint Peter Canisius, the infirmary of the Jesuit Curia in Rome. He worked on material on a computer brought to him by his fellow Catalan Jesuit Fr. JUAN SERGIO NADAL.

³¹ PUJOL taught *De Bonis Temporalibus* (cursus specialis) for the first time in the first semester of 1955. My note.

independent faculty at the “Orientale” he remained in this work only until 1973.

The greatest administrative contribution of Fr. PUJOL to the Pontifical Oriental Institute was his guidance in creating what we celebrate today, namely the fortieth anniversary of the Faculty of Oriental Canon Law at the Institute. The 1971 rapid creation of our faculty is due largely, without any prejudice to Fr. ŽUŽEK’s involvement, to the long standing friendship between Fr. PUJOL and Cardinal AMLETO GIOVANNI CICOGNANI. Fr. PUJOL in his *Autobiography* says the following.

«Un'altra cosa sulla quale posso dire una parola per avervi partecipato attivamente è l'origine della Facoltà di Diritto Canonico Orientale. Mi ha giovato in questo la conoscenza personale del cardinale segretario di stato Amleto Giovanni Cicognani, di formazione e competenza canonistica, al quale proposi esplicitamente il problema di creare una Facoltà di Diritto Canonico Orientale. Fino ad allora il Pontificio Istituto Orientale aveva una sezione canonistica dipendente dalla facoltà di diritto canonico latino dell'Università Gregoriana. Il fatto rappresentava una vera discriminazione nei confronti delle Chiese Orientali. Non c'era altro rimedio a tale situazione anormale che la creazione di una vera e propria facoltà di diritto canonico orientale. Quella soltanto avrebbe messo gli Orientali allo stesso livello dei Latini. Si incominciava a percepire questa istanza e il cardinale, che ne era convinto, sottopose tale questione al Papa. E il Papa rispose all'appello, tanto che la creazione di un'autonoma facoltà di diritto canonico orientale risale a quella reazione positiva del Papa»³².

It is necessary to say a few words about Cardinal CICOGNANI since it is precisely who he was and his friendship with Fr. PUJOL which without any doubt expedited the creation of the Oriental Canon Law Faculty at the Pontifical Oriental Institute.

His Eminence AMLETO GIOVANNI Cardinal CICOGNANI (1883-1973) was without a doubt one of the towering ecclesiastical figures in the life of the Catholic Church both in Rome and in the United States during the twentieth century. He studied first at the seminary in the diocese of Faenza and then after ordination between 1905 and 1910 at the Pontifical Roman Athenaeum of Saint Apollinare where he received doctorates in

³² POGGI V., *Autobiography*, 12-13. GEFAELL observes in his 2007 Hungary presentation that PUJOL already wrote about this idea in 1948 in: *El Pontificio Instituto Orientale de Roma*, in *Revista Española de Derecho Canónico* 3 (1948), 813-823.

theology and canon law. Upon graduation he first served in secretarial work at the Congregation for the Discipline of the Sacraments (1910-1914), then in what today is the Congregation for Bishops (1914-1928), during which time in 1924 he was apostolic visitor to the Scalabrini Fathers in the United States. In 1925 he published his work on Book I, the general norms, of the 1917 Latin Code of Canon Law as well as his famous "*Ius Canonicum*"³³. He received an appointment from PIUS XI (1922-1939) in 1928 to be assessor at the Sacred Congregation for the Oriental Church. At this time PIUS XI actually began the codification of the Oriental discipline (5 January 1929) saying that not only was it necessary, but also it was one of the most urgent needs of the Church and he himself would preside over the entire process. Subsequently, on 23 November 1929 the pope appointed CICOGNANI secretary of the Cardinal Commission for the Codification of Oriental Canon Law and he began his new work on 2 December 1929. During these years (1921-1932) he also taught canon law at the Juridical Pontifical Institute of Saint Apollinare from which he had graduated. During this time he was also a student chaplain at the University of Rome where his assistant was Father GIOVANNI BATTISTA MONTINI (future Pope PAUL VI). He maintained his life long friendship with MONTINI, which in 1971 bore much fruit for our Institute. In 1931 he visited the United States for a second time and in 1932 was proto notary apostolic. On 23 April 1933 he was consecrated an archbishop and named apostolic delegate to the United States of America. He served in the United States until 1958. During this time he travelled widely throughout the United States, was in contact with all United States Catholics of both the Latin and Oriental rites becoming thoroughly familiar with all interecclesial affairs during a period of enormous growth of the Church in this immigrant land³⁴. Pope JOHN XXIII (1958-1963) called him back to Rome and in 1958 created him cardinal and made him Secretary of the Congregation for the Oriental Church (14 November 1959), a position for which he was now more than adequately prepared. However shortly he was appointed Cardinal Secretary of State in August 1961 and remained in this work until April 1969 at the dawn of the creation of the Oriental Canon Law Faculty at the Pontifical Oriental Institute. He attended the Second Vatican Council (1962-1965)

³³ CICOGNANI H. J. *Commentarium ad Librum I. Codicis*, Romæ (1925) pp. 355. *Ius Canonicum*, I. *Prolegomena Iuris Canonici*, II. *Historia fontium Iuris Canonici*, III. *Commentarium ad Lib. I. Codicis* (1925) pp. 486 + Errata – Corrige. The Pontifical Oriental Institute has a personally inscribed copy of his *Ius Canonicum*, given on 29 December 1929 by the author to Rev. Fr. MICHEL D'HERBIGNY S.J. (1880-1957), the first Jesuit rector of the "Orientale".

³⁴ During his time as apostolic delegate in the United States the Catholic population increased from twenty to thirty million and the number of bishops grew from 118 to 213.

and participated in the conclave of 1963 which elected his friend Paul VI. He was confirmed in his posts by Paul VI (1963-1978), became dean of the Sacred College of Cardinals on 24 March 1972 and died on 17 December 1973³⁵.

Without the vast knowledge and experience which Cardinal CICOGNANI had about Oriental and Latin relations, without the diplomatic ease within which he operated in Rome and without his friendships with both PAUL VI and Fr. PUJOL the Oriental Canon Law Faculty at the Pontifical Oriental Institute would not have been created as early or as easily as it was. Cardinal CICOGNANI was indeed a moving force in bringing about in reality the aspirations set out in *Orientalium Ecclesiarum* of Vatican II. He had more than sufficient academic and practical preparation, in the words of Fr. PUJOL, «not to intensify prejudices about Orientals, but rather to correct them in reality»³⁶.

§4. The Principle Academic Contribution of Fr. PUJOL S.J.

Fr. PUJOL's academic contributions to Eastern Catholic canon law in a broad sense are seen in his involvement in various academic based activities. As mentioned a bibliography of his complete writings is found in the Italian edition of his *Autobiography* translated and published by Fr. POGGI S.J.³⁷ The presentation on Fr. PUJOL given in Hungary in 2007 by Fr. GEFAELL, using Fr. POGGI's work, presents in a concise analytic form the content of Fr. PUJOL's doctrine. He summarizes PUJOL's position on the non extension of the new Oriental Law to the Orthodox, as well as his position on "custom" among the Orthodox, divorce in the Orthodox Churches, his specific work on *Orientalium Ecclesiarum*, lessons of the Oriental codification for the revision of the Latin Code, his judgment on the new law for Oriental religious and finally his position on the problem of the territorial limitation of patriarchal jurisdiction. When this work is published, along with the original *Autobiography* and POGGI's Italian version, it will be the cornerstone for any particular further investigation of PUJOL's thought as it is for my present presentation³⁸.

PUJOL was nominated as an "expert" for Vatican II and worked on the decree *Orientalium Ecclesiarum*. Additionally he was a consultant for the

³⁵ *De Codificatione Canonica Orientali*, in *Apollinaris*, V (1932), 86-95.

³⁶ See the reference in footnote 28 above.

³⁷ POGGI V. *Autobiography*, 14-17.

³⁸ As noted above the presentation was in Nyiregyháza, Hungary 20-22 April 2007: "The Contribution of Climent Pujol i Villegas, S.I. (1908-1998) to the Development of the Oriental Canonical Science". I was privileged to be present for the presentation and to have access to a copy of it in preparing my present presentation.

Congregation of the Oriental Churches. In his *Autobiography* he comments that to be a consultant: «È un impegno molto delicato, perché si deve esprimere il proprio parere con libertà e disinteresse, nella consapevolezza che il consultore contribuisce al bene o al male di chi lo consulta. A questo proposito è importante il voto gesuita di servire la Chiesa gratuitamente. Conferisce maggiore libertà alla propria consulenza»³⁹. He was also a consultant for the commission created by PAUL VI on 10 June 1972 for the revision of the Oriental Code of Canon Law. On this commission he worked with the vice president Msgr. MANSOURATI, the Syrian titular bishop, as well as with his former rector and fellow professor the pro secretary Fr. IVAN ŽUŽEK S.J. and some thirty eight other members, seventy consultants, including lay and Orthodox observers and collaborators. Fr. PUJOL, already as Dean of the Oriental Canon Law Faculty graciously accepted the invitation of the Malabar Cardinal PARECATHIL, then president of the commission for the revision of the Oriental Code of Canon Law, to undertake the work of revision with his faculty. The request was: «... Pertanto La prego di voler proporre ai professori della Facoltà di volersi assumere questo importante lavoro e cooperarvi per quanto possibile a ciascuno, nella Vostra profonda conoscenza delle discipline orientali, della situazione odierna dell'Oriente Cristiano e dei principi di riforma delineati nel Concilio Vaticano II»⁴⁰. The mandate was to reform the entire Oriental Catholic Code along the lines of Vatican II. As a member of the Pontifical Commission for the Revision of the Code of Oriental Canon Law PUJOL was a member of the *cætus* “*De Monarchis aliisque religiosis*”, as well as those of “*De Laicis et de Bonis temporalibus*” and “*De Sacramentis*”⁴¹. Also PUJOL supported the publication of *Kanonika*, as a series at the “Orientale” since 1992 on the publications of the law of Eastern Churches. However, his proposed work for volume three nor a later volume never appeared in the series⁴².

Fr. PUJOL’s academic contributions to Eastern Catholic canon law in a strict sense can be seen in compendium form in the work he did on the

³⁹ POGGI V., *Autobiography*, 12.

⁴⁰ Letter of Joseph Cardinal PARECATHIL, President of the Pontifical Commission for the Revision of the Oriental Code of Canon Law, Prot. N. 4/72, 21 June 1972. Fr. PUJOL’s gracious response is in a letter to Cardinal PARECATHIL on 3 July 1972.

⁴¹ *Nuntia* I (1973), 17-18 and in *Nuntia* 1 (1975), 15-17. Also Cf. *Nuntia* 4 (1977), 15, 1982 and 16, 1983.

⁴² The projected works were: CLEMENS PUJOL, *I santi sacramenti nel CCEO*, Commentary on the sacraments, except marriage, in the new Code by one who has taught this subject for long at the Pontifical Oriental Institute. Author of *De Religiosis orientalibus*, he was also to prepare a commentary for the series on Monks and other Religious according to the new Code. The work on Monks and other Religious actually was his last major independent publication courteously edited by CLARENCE GALLAGHER in 1994.

most significant document on the Eastern Catholic Churches since 21 November 1964 until today. This is his work as an “expert” during Vatican II on *Orientalium Ecclesiarum* and his subsequent publications on the topic. His main work, published in 1970, on the subject was *Decretum Concilii Vaticani II “Orientalium Ecclesiarum”*⁴³. However he tells us in his *Autobiography* that the work on *Orientalium Ecclesiarum* which holds a special place in his memory is his article in 1966 in *Orientalia Christiana Periodica*, namely: *Orientalia ab Ecclesia Catholica seiuncti tenentur ne novo iure canonico a Pio XII promulgato?*⁴⁴ His answer was no and consequently in this article he necessarily criticized the opposite position of eminent canonists. One of those he disagreed with was his first rector at the “Orientale”, Fr. HERMAN, and the others were the Syrian, Cardinal ACACIO COUSSA (1897-1962-1962) and Rev. DANIEL FALTIN O.F.M.CONV., Assistant for the Pontifical Commission for the Redaction of the Oriental Code and a member of the Vatican II administrative tribunal. PUJOL says the following with respect to his articles.

«Ne ricordo uno in particolare: “Orientalia ab Ecclesia catholica seiuncti tenentur ne novo iure canonico a Pio XII promulgato?”
Lo avevo scritto in risposta a un saggio il cui autore dichiarava gli Orientali non cattolici soggetti al *motu proprio* di Pio XII, ma li riteneva dispensati e perciò privi di diritto. Contro questo articolo e per solidarietà con gli Orientali non cattolici, tentai dimostrare che il *motu proprio* del Papa non li riguardava. Dell’articolo feci omaggio al cardinale Amleto Giovanni Cicognani, Segretario di Stato, chiedendogli che il Santo Padre costituisse una commissione per esaminarlo. Il che avvenne puntualmente. La commissione approvò all’unanimità il mio articolo e il cardinale Alfredo Ottaviani, pro-prefetto della Congregazione per la dottrina della Fede, fu esortato a ritirare le

⁴³ *Decretum Concilii Vaticani II “Orientalium Ecclesiarum”*, Textus et Commentarium, Romæ, Pontificio Istituto Orientale 1970, pp. 186. This was first published in Spanish as *Texto y Commentario del Decreto Orientalium Ecclesiarum sobre las Iglesias Orientales Católicas*, in *Vaticano II. El Unico Pueblo de Dios*, Textos y comentarios, A. MATÍAS GARCÍA GÓMEZ Ed., Madrid, Razón y Fe 1968, 27-126. He also published an article on the subject in Spanish, Italian and English: *El Decreto conciliar sobre las Iglesias Orientales católicas*, in *Unitas* (Spanish) 4 (1965), 301-315; *Il Decreto conciliare sulle Chiese Orientali Cattoliche*, in *Unitas* (Italian) 20 (1965), 167-181; *The Conciliar Decree on the Eastern Catholic Churches*, in *Unitas* (English) 17 (1965), 28-41. Naturally most of his articles touch on this matter in one way or another, however it is worth mentioning one other one in particular on *Orientalium Ecclesiarum* n. 4. *The Care and Organization of Particular Churches* (Second Vatican Council, Decree ‘Orientalium Ecclesiarum’ n. 4), in J. VELLIAN (Ed.), *The Malabar Church*, Symposium in Honour of Rev. PLACID J. PODIPARA, (published as *Orientalia Christiana Analecta* 186), Roma Pontificio Istituto Orientale 1970, 209-224.

⁴⁴ *Orientalia ab Ecclesia Catholica seiuncti tenentur ne novo iure canonico a Pio XII promulgato?*, in *Orientalia Christiana Periodica* 32 (1966), 78-110.

lettere scritte contro di me alle Congregazioni Romane. Si capisce che tutto ciò mi procurò grande gioia, per aver fatto l'avvocato difensore degli Orientali non cattolici».

The official approbation that came from Fr. PUJOL's position about the relationship between Oriental Catholic Canon Law and the Orthodox became a formal guiding principle in the entire revision of Oriental Catholic Canon Law. The fourth principle in the 1973 publication of twelve original principles is: «1) Il Codice deve dichiarare di valere solo per coloro che appartengono legittimamente ad una Chiesa Orientale Cattolica, se "ex natura rei" non appaia che le sue norme valgano pure per i Cattolici latini o anche per i non Cattolici. 2) In conformità con il decreto "Orientalium Ecclesiarum", n. 30, le prescrizioni del Codice siano stabilite per le presenti condizioni, fino a che la Chiesa Cattolica e le Chiese Ortodosse convengano nella pienezza della comunione (...)»⁴⁵. In turn this principle can be seen in various sections of the *Codex Canonum Ecclesiarum Orientalium*, but especially in Title XVIII. Ecumenism or Fostering the Unity of Christians, Cann. 902-908⁴⁶.

His argument is based in solid scholarship analyzing various papal encyclicals through time to PIUS XII always trying to grasp the sense and true meaning of their thoughts. He sees the culmination of the sense through the centuries as being clearly expressed in *Unitatis redintegratio* 16.

«Moreover from the earliest times the eastern churches followed their own disciplines, which were sanctioned by the approval of the fathers of the church and of synods, even of ecumenical synods. Far from being an obstacle to the church's unity, a certain diversity of customs and observances only adds to her beauty and is of great help in carrying out her mission, as has been stated. To remove all shadow of doubt, then, this synod solemnly declares that the churches of the east, while mindful of the necessary unity of the whole church, have the right to govern themselves according to the disciplines proper to themselves, since these are better suited to the character of their faithful, and more for the good of their souls. The perfect observance of this principle which is sanctioned by long-standing tradition, but in

⁴⁵ *Nuntia*, 1 (1975), 25; *Nuntia* 26 (1988), 105.

⁴⁶ See: CECCARELLI MOROLLI D., *Il Codex Canonum Ecclesiarum Orientalium e l'Ecumenismo. Aspetti ecumenici della legislazione canonica orientale* in «Quaderni di "Oriente Cristiano" – Studi 9», Palermo 1998, *passim*.

fact has not always been followed, is one of the essential prerequisites for the restoration of unity»⁴⁷.

As quoted earlier Fr. PUJOL in 1948 warned that «(...) frequently those who have dedicated their lives to the apostolic work among Orientals, because of the lack of sufficient academic preparation, have contributed to intensify prejudices about Orientals rather than correct them»⁴⁸. He as a young boy of ten entering the seminary of Vic could not possibly have know anything about Eastern rite Catholics and Orthodox. Perhaps his greatest academic contribution was not to try to become something he was not, but to remain who he was and through his long years of study and scholarship contribute to correcting prejudices about Orientals. His approach was the true “aggiornamento” (“update”) of Vatican II.

§5. Conclusion

Fr. PUJOL as Vice-Dean of the Oriental section of the Faculty of Canon Law at the “Orientale” was without any doubt a guiding force, along with the rector, Fr. ŽUŽEK, Cardinal CICOGNANI and ultimately PAUL VI, in creating in 1971 the Faculty of Oriental Canon Law at the Pontifical Oriental Institute. However, today as we celebrate the fortieth anniversary of the creation of the Canon Law Faculty, Fr. PUJOL must be honoured also as perhaps the major force in preserving the faculty intact.

In October of 1984, six years before the promulgation of the Oriental Code, there was a real question about the continued existence of the Oriental Canon Law Faculty at the Pontifical Oriental Institute. Fr. PUJOL was already a professor *emeritus*, but continuing to teach “Sacraments”. Until this time with the exception of one Basilian Father, all of the permanent professors on the faculty were Jesuits. With fewer Jesuit vocations and perhaps with a new “discernment” process in assigning young Jesuits to apostolates, there was a lack of manpower to maintain the originally envisioned faculty. The question was raised if the Oriental Canon Law Faculty should once again return to a closer association with the Gregorian University and also the Biblicum, especially since the Gregorian, Biblicum and “Orientale” were seen as operating more and more on a consortium model. The rector of the “Orientale” at the time was Fr. G. PELLAND S.J., also a professor at the Gregorian. Fr. PUJOL’s response to a question of the fusion of the faculties was exactly as he said in his *Autobiography* about being a consultant for the Oriental Congregation: «È

⁴⁷ *Unitatis redintegratio* 16, 21 November 1964. Translation in *Decrees of the Ecumenical Councils*, Vol. II, NORMAN TANNER English Editor, Georgetown University Press, 1990.

⁴⁸ See footnote 28 above.

un impegno molto delicato, perché si deve esprimere il proprio parere con libertà e disinteresse, nella consapevolezza che il consultore contribuisce al bene o al male di chi lo consulta»⁴⁹. His response is a masterpiece and model in writing a “*votum*” both in its style, as well as especially in its objective and well reasoned content.

His response first clearly outlines the problem. He continues to clarify the above situation in particular details and then begins his response. He follows this with technical problems in the presentation of canonical material and lists practical problems as well. He ends with a forceful addendum⁵⁰.

Fr. PUJOL in the end objectively, in complete liberty with Ignatian indifference defended his faculty well and his fellow canonist and rector of the Gregorian, Fr. NAVARRETE S.J., and the authorities involved agreed.

In the fewest words possible Fr. PUJOL’s fifty one years at the Pontifical Oriental Institute are a testimony to the desires of the popes from BENEDICT XV to BENEDICT XVI. Namely, as codified in our *Statutes* the finality of our Institute as well as the Oriental Canon Law Faculty in particular is that:

«The nature and main characteristic of our Institute in Rome is to be a seat of higher learning and advanced studies of Oriental questions. (...) according to the spirit of Vatican II»⁵¹.

M. J. KUCHERA S.J.

⁴⁹ See footnote 39 above.

⁵⁰ Ottobre 1984. C. PUJOL S.J.

⁵¹ PONTIFICIUM INSTITUTUM ORIENTALE, *Statuta*, art. 3.