



Book Review

Jose Marattil, *Reverential Fear as a Ground of Marriage Nullity in the Indian Cultural Context*, Dharmaram Canonical Studies 28, Dharmaram Publications, Bengaluru, 2020, xxvi + 277 pp., ₹ 400. 00; \$ 15 00.

Marriage is a human reality and a saving mystery as well. As a reality it is rooted in human nature and for that reason it is affected by the cultural and historical conditions of people. Saint John Paul II elucidated this point in his Rotal allocution of 28 January 1991: “Since God’s plan for marriage and the family touches men and women in the concreteness of their daily existence in specific social and cultural situations, the Church ought to apply herself to understanding the situation within which marriage and the family are lived today in order to fulfil her task of serving”, (*L’Osservatore romano*, 04 February 1991, n. 4, p. 3). It is significant to note the intervention of Archbishop of Jakarta during the debate on the schema on *Gaudium et Spes* in the 19th General Congregation of Second Vatican Council on 10 November 1964. Representing the bishops of Indonesia, Africa, Pakistan, India and China he pointed out that the description of natural marriage in the schema was not satisfactory when we take into consideration the cultural diversities existing in the countries apart from the West. The term consortium includes the essential aspects of marriage

as a human reality fitting to all diverse cultures. Therefore he argued for the inclusion of the term *consortium totius vitae* in the description of marriage, (*Acta Synodalia*, vol. III, pars VIII, p. 669). Though his plea went unheeded the same phrase was included in the revised canonical legislation of both East and West, (CCEO c. 776; CIC c. 1055) to give juridical expression to the teaching on the nature of marriage that is set out in the Pastoral Constitution, *Gaudium et Spes*.

Roman Rota has adjudged cases originating from India with impact of socio-cultural and ethnic factors on matrimonial consent, especially, on consensual incapacity, error of quality, exclusion of marriage or essential properties of marriage or essential elements of marriage (total or partial simulation of marriage), fraud (deceit), impotence, force and fear or reverential fear.

Freedom of choice, especially, the freedom to enter a married state of life should remain intact. It is because “authentic freedom is an exceptional sign of divine image within man”, (GS 17). Ecclesiastical legislation has prescribed that the right to be free from any kind of coercion should be respected in choosing a state of life, (CCEO c. 22; CIC c. 219). Reverential fear arises from displeasure and indignation of parents or superiors. One foresees the indignation and cessation of affective relationship with the persons dear to him/her. It is manifested through rebukes, rude insistent entreaties, harsh words, tears, annoying exhortation, repeated complaints about harm that would befall the family. Signs of grave fear are beatings, threats of death, loss of inheritance, seriously expressed expulsion from home and the similar circumstances.

Two important arguments to be considered in a force and fear case: the direct argument (proving coercion) and the indirect argument (proving aversion). A sober judge should examine and weigh the circumstances of the person’s oppressive situation and forceful persuasion from a third party: the nature of threat, quality of person inflicting fear, victim of fear and the mutual relation between the two

circumstances. What is proved is not that the person had not accepted the will but rather submitted his /her self.

The author of the book, Jose Marattil, currently Judicial Vicar of the Eparchy of Idukki, Syro-Malabar Church, India, had been a faculty at Good Shepherd Major Seminary, Kunnoth, in Kerala. He deserves our praise for having selected a relevant topic for his doctoral dissertation under the scholarly guidance of an eminent canonist, Professor Augustine Mendonca. It was publicly defended at Saint Paul University, Ottawa, Canada. The title of the thesis, Reverential Fear as a Ground of Marriage Nullity in the Indian Cultural Context is quite apt and telling. It is indeed an outcome of a constant and painstaking, systematic and scientific research on one of the grounds for the declarations of nullity of marriage.

He has arranged systematically and with a coherent vision the theme of the dissertation in four chapters. First chapter is an interpretation of ecclesial law in light of culture. He brings to a coherent whole the culture as a vehicle of formation and convenience of a community's values; relationship between culture and law; culture and ecclesial law; essential elements of the Indian culture vis-à-vis marriage and family; factors affecting a marriage in the arranged marriage system.

In the second chapter he discusses the nature and the elements of matrimonial consent. Here he discloses the constitutive elements and invalidating factors of a juridic act; subjective and objective constituents and defects of matrimonial consent. Third chapter is devoted to the central theme of the thesis, namely, reverential fear as ground of marriage nullity. He has identified the cultural factors underlying reverential fear namely, parental authority, filial respect and respect towards 'significant others', dependence on the family.

He has also pointed out the difference between the marriage nullity processes before and after the reforms brought about by Pope Francis through *Mitis et Misericors Iesus* and *Mitis Iudex domius Iesus*, two apostolic letters issued *motu proprio*, on 15 August 2015.

The fourth chapter is set apart to a detailed critical analysis of the jurisprudence on reverential fear. Selected sentences from Apostolic Tribunal of Roman Rota, Latin Tribunals, Syro-Malabar Major Archiepiscopal Ordinary Tribunal and Syro-Malankara Major Archiepiscopal Ordinary Tribunal have been subjected to an in depth study.

The bibliography is indeed a very good reference tool for doctrine, jurisprudence and interpretation on matters related to marriage law. Selected Rotal sentences as well as sentences from local tribunals would help students as well as teachers of Canon Law for further research. It is true that a “culturally influenced reverential fear can seriously impede a person’s internal freedom in the choice of marriage and of the marriage partner” (p. 237). No doubt the study would provide some helpful insights into the ground of reverential fear in the Indian cultural context for those who work in ecclesiastical tribunals to facilitate the ministry of truth, ministry of justice and ministry of charity.

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