

# EASTERN LEGAL THOUGHT

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AND MAJOR ARCHIEPISCOPAL TRIBUNAL OF  
THE SYRO MALABAR CHURCH



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## EDITORIAL

This special issue of *Eastern Legal Thought* commemorates the Syro-Malabar Ecclesiastical Hierarchy's centenary, constituted in 1923 by Pope Pius XI. The Holy Father established a new structure to the Syro-Malabar Church with the Apostolic Constitution *Romani pontifices*. The Apostolic Constitution underlined the pre-eminence of the Syro-Malabar Church in the Catholic communion: "Indeed that Church holds a noble position among the Oriental Churches because it traces its origin back to the most ancient Christian communities which received the light of the Gospel from the Apostle Thomas."

The first article, *The Liturgical Identity of the Syro-Malabar Church and Fidelity to the Patrimony of the Eastern Churches* by Paul Pallath, envisages the gradual process of restoration and reform of the liturgical identity and spiritual heritage of the Syro-Malabar Church. The heritage of a Church consists of the Liturgy, Theology, Spirituality and discipline distinguished by culture and circumstance of history. The patrimony of Liturgy is central to the hierarchical communion of an autonomous Church. *Hierarchical Communion of the St Thomas Christian Church with the East Syrian Church* by Sunny Kokkaravalayil sj., is an attempt to find to what extent the East Syrian Patriarch exercised the power of governance in the Saint Thomas Christian Church.

Vicariate is a portion of the Christian Faithful not grown to an eparchy/diocese, governed by an apostolic vicar in the name of the Supreme Pontiff. *Apostolic Vicariates in the Syro-Malabar Church Revisited Context Consequences*, by Bishop Jose Porunnedom, is a retrospect of the historical circumstances in which the ritual separation of the Syrian Catholics took place and their reconstitution in view of their spiritual benefit. Pablo Gefaell discusses in the article, *Hierarchical Structure of the Latin Church sui iuris*, the tradition of the west while acknowledging the equality and dignity of churches *sui iuris*, and how both the legislations of the East and the West in harmony with each other, enable them to coexist with mutual respect and to grow in communion.

In the article, *Hierarchical Structure in the Code of Canons of the Eastern Churches*, George Thekkekara investigates the tripartite system of hierarchical structure in the Eastern Churches and the mode of exercise of the sacred power as envisaged in the Eastern canonical legislation. *The System of Administration of the Thomas Christian Church in Varthamanappusthakam* by Varghese Palathingal is an overview of the autonomy and identity of the ecclesiastical governance by the Archdeacon with *Palliyogam* as a canonical institute and laudable heritage of the Saint Thomas Christian Church. *The Growth of Hierarchical Structure of the Syro-Malabar Church and the Book of Decrees of Mar Mathew Makil* by Thomas Mathew Adoppillil reveals the care and concern of Mar Makil to instil an ecclesial vision to the faithful and the inspiration for the more particular laws promulgated in the Syro-Malabar church.

Michael Vattappalam examines the process of election and appointment of bishops in the Chaldean, *padroado* and *propaganda* periods of ecclesial governance in the Syro-Malabar Church and the subsequent revised eastern canonical norms, in

the article, *The Election of Bishops in the Tradition of the Syro-Malabar Church*. Biju Muttathukunnel highlights in his article, *The Hierarchical Relation of Major Archbishop and Procurator at the Apostolic See, the rights and obligations attached to the office of procurator at the Apostolic See* and how he exercises the office as a facilitator of hierarchical communion. *The Nature of Autonomy and Hierarchical Dependence of the Syro-Malabar Mission Eparchies* by Francis Eluvathingal throws light on migration, evangelization and pastoral care and the restoration of All-India jurisdiction to the Syro-Malabar Church and the autonomy of eparchies outside India without prejudice to the rights and obligations of the Major Archbishop with Synod of Bishops.

In the article, *The Prospects for Hierarchical Perfection of the Syro-Malabar Church*, James Puliurumpil expresses a founded hope that the different stages of autonomy enjoyed by the Syro - Malabar Church were only transitional and it would attain the fullness of autonomy, *sui iuris*, by being recognized as Patriarchal Church.

Being faithful to the rich heritage handed down from generation to generation, the Syro-Malabar Church needs to work to establish the communion of Churches envisaged by the Second Vatican Council. Therefore, Pope Francis, in his letter of 09 October 2017, exhorted the Bishops of India: "May this extension of the pastoral area of the Syro-Malabar Church in no way be perceived as growth in power and dominion, but as a call to deeper communion, which should never be perceived as uniformity."

Editor







# The Liturgical Identity of the Syro-Malabar Church and Fidelity to the Patrimony of the Eastern Churches

Paul Pallath\*

## Introduction and Historical Context

This article has been prepared for the special issue of *'Eastern Legal Thought 2023'*, which is published to mark the centenary of the reestablishment of the Syro-Malabar hierarchy (1923-2023). In fact, the restoration of the liturgical identity of the Syro-Malabar Church is intrinsically intertwined with the constitution and advancement of its hierarchy. Hence, the hierarchical development is briefly considered in this introductory part insofar as it is necessary to comprehend the refurbishment of liturgical identity. Considering the limits of such an article, the liturgical identity of the Syro-Malabar Church will be illustrated based on three main items only, namely the Pontifical, the Order of Holy *Qurbana* and the Ritual of sacramental liturgy, also because common definitive texts for

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\* Paul Pallath is Relator of the Dicastery for the Causes of Saints and associate professor at the Pontifical Oriental Institute in Rome.

other items like the Liturgy of the Hours or Divine Praises and sacramentals are to be promulgated.

After about three centuries (1599-1886) of Western governance over the St Thomas Christians, when the Latin hierarchy was established in India on 1 September 1886, the ancient archdiocese of Cranganore was definitively suppressed, the vicariate apostolic of Verapoly was elevated to the status of a metropolitan archdiocese of the Latin Church with Quilon as its suffragan see and all the Catholic St Thomas Christians became members of the said archdiocese.<sup>1</sup> However, with the apostolic letter *Quod iampridem* of 20 May 1887, Pope Leo XIII separated the Eastern Catholics from the Latin Christians of the archdiocese of Verapoly and constituted for the former two Syro-Malabar vicariates apostolic, Trichur and Kottayam (later named Changanacherry),<sup>2</sup> but the vicars apostolic were still Latin bishops: Charles Lavigne, titular bishop of Milevum and vicar apostolic of Changanacherry (1887-1896) and Adolf Edwin Medlycott, titular bishop of Tricomia and vicar apostolic of Trichur (1887-1896). However, this event marked the rebirth of the Catholic Church of the St Thomas Christians as the Syro-Malabar Church.

With the apostolic letter *Quae rei sacrae* of 28 July 1896 Pope Leo XIII reorganized the territory, erecting the three vicariates apostolic of Trichur, Ernakulam and Changanacherry.<sup>3</sup>

1 Cf. Leo XIII, *Humanae salutis auctor*, 1 September 1886, *Leonis XIII Pontificis Maximi Acta*, vol. 5, Romae 1886, 164-179; P. Pallath, *Important Roman Documents concerning the Catholic Church in India*, Kottayam 2004, 152-173.

2 Cf. Leo XIII, *Quod iampridem*, 20 May 1887, *Leonis XIII Pontificis Maximi Acta*, vol. VII, Romae 1888, 106-108; P. Pallath, *Important Roman Documents*, 190-193.

3 Leo XIII, *Quae rei sacrae*, 28 July 1896, *Leonis XIII Pontificis Maximi Acta*, vol. XVI, Romae 1897, 229-232; P. Pallath, *Important Roman Documents*, 194-197.

Three native priests were appointed as vicars apostolic: John Menacherry, titular bishop of Paralus and vicar apostolic of Trichur, Mathew Makil, titular bishop of Tralles in Asia and vicar apostolic of Changanacherry and Aloysius Pazheparambil, titular bishop of Tium and vicar apostolic of Ernakulam. The Apostolic Delegate Ladislao Michele Zaleski consecrated the first three Indian Eastern bishops in Latin rite on 25 October 1896 in the cathedral church of Kandy in Sri Lanka, where he had the residence. Later with the apostolic letter *In Universi* dated 29 August 1911 Pope Pius X separated all the Southist parishes and churches from the vicariates of Changanacherry and Ernakulam and erected the new vicariate of Kottayam exclusively for the Southist community.<sup>4</sup>

### **1. The Restoration of Syro-Malabar and East Syrian Pontifical and the Question of Liturgical Identity**

According to the order of the provincial council of Goa in 1585 the Roman Pontifical, especially the rites of confirmation and holy Orders, was translated into Syriac for the use of the St Thomas Christians.<sup>5</sup> However, the Syriac translation of the Roman Pontifical was never printed and published because the Latin bishops who governed the Church until 1896, except for the first bishop Francis Ros SJ (1599-1624) did not know Syriac. Hence the succeeding Latin bishops performed all pontifical ceremonies, such as the consecration of churches, consecration

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4 For the apostolic letter *In Universi*, see Canc. Brev. Ap. Pius X an. 1911, Divers., lib. IX, pars 2, 607; P. Pallath, *Important Roman Documents*, 198-201.

5 Provincial council of Goa in 1585, session 3, decree 7, *Bullarium Patronatus Portugalliae Regum*, Appendix 1, Olisipone 1872, 75; original with English translation in P. Pallath, *The Provincial Councils of Goa and the Church of St Thomas Christians*, Kottayam 2005, 115-116.

of holy oils, all ordinations and the sacrament of confirmation according to the Roman Pontifical in Latin language.<sup>6</sup>

### **1.1. Syro-Malabar Decision to Use the Roman Pontifical and the Order of Pope Pius XI to Restore the East Syrian Rite**

With the consecration of the first three Syro-Malabar bishops in 1896 there emerged a serious problem: which Pontifical the new Syro-Malabar bishops should use for the sacred ordinations and for the consecration of churches and sacred chrism. Just after the consecration, under the guidance of the Apostolic Delegate Zaleski, the first three Syro-Malabar bishops unanimously decided to use the Roman Pontifical, translated into Syriac, because according to them, among the three Pontificals (Roman, Antiochean and Chaldean) the Roman Pontifical was the best suited to the Syro-Malabar rite.<sup>7</sup> At that time neither the Apostolic See, nor the Apostolic Delegate, nor the Syro-Malabar bishops were sure about the liturgical identity of the nascent Syro-Malabar Church: Romo-Latin, Romo-Syriac or Syro-Oriental.

The Apostolic Delegate Zaleski, who considered the Syro-Malabar rite as a modified Roman rite in Syriac language, wholeheartedly supported the idea and through his letters endeavoured to obtain the permission of the Apostolic See for the use of the Roman Pontifical. Regarding the permission of the

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6 Cf. P. Palalth, *The Liturgical Heritage of the Syro-Malabar Church: Shadows and Realities*, Changanacherry 2019, 78-81, 92-93.

7 Report of Zaleski to Propaganda Fide on 28 April 1905, in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza del 19 November 1934, Relazione con Sommario*, allegato 14, pp. 39-42; in P. Pallath and J. Kollara, *Roman Pontifical into Syriac and the Beginning of Liturgical Reform in the Syro-Malabar Church*, Kottayam 2012, 47/228.

Congregation of Propaganda Fide, at that time competent for the Eastern Catholic Churches as well, Zaleski reported:

Therefore, a request was made to the Sacred Congregation of Propaganda which ordered that the Roman Pontifical be translated into Syriac for the use of the Syro-Malabar bishops, granting them in the meantime the faculty to use the Latin Pontifical until the translation was made and approved by the same Congregation.<sup>8</sup>

Thus, the first Syro-Malabar bishops obtained the permission to translate the Roman Pontifical into Syriac and the faculty to use the same Pontifical in Latin language until the approval of the Syriac translation.

Even several years after the aforementioned decision, the Syro-Malabar bishops did not succeed in translating the entire Roman Pontifical into Syriac. In the meantime, on 1 May 1917 Pope Benedict XV erected the ‘Sacred Congregation for the Eastern Church’ with the *motu proprio Dei providentis* and the Syro-Malabar Church came under its authority.<sup>9</sup> This indicates that although the Syro-Malabar Church was governed by Latin bishops for about three centuries and its liturgy was Latin under many respects, it began to be considered as an Eastern Church. By the apostolic constitution *Romani pontifices* of 21 December 1923 Pope Pius XI established the Syro-Malabar hierarchy with Ernakulam as metropolitan see and Trichur, Changanacherry and

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8 Report of Zaleski to Propaganda Fide on 28 April 1905, in P. Pallath and J. Kollara, *Roman Pontifical into Syriac*, 48/229.

9 Benedict XV, *Motu Proprio Dei providentis*, AAS 9-I (1917) 529-531. This name continued until 15 August 1967, when Pope Paul VI changed it to Sacred Congregation for the Eastern Churches. At present the general tendency is to employ the expression “Eastern”, instead of “Oriental” in English language.

Kottayam as suffragan dioceses.<sup>10</sup> After the erection of the Eastern Congregation, especially after the constitution of hierarchy, the Syro-Malabar bishops, who had failed to accomplish even a complete translation of the Roman Pontifical, often requested the Congregation to approve the partial Syriac translation they had formerly submitted to Propaganda Fide.<sup>11</sup>

After seeking the opinion of consultors and experts, who expressed contrasting views, the problem was discussed in the plenary assembly of the Congregation on 19 November 1934 and, despite careful examination and fruitful discussions, the cardinals were unable to make a unanimous resolution concerning the approval or not of the partial Syriac translation of the Roman Pontifical for the use of the Syro-Malabar Church.<sup>12</sup> Hence only a report of the plenary assembly was presented to Pope Pius XI on 1 December 1934, who personally decided to restore the ancient Syro-Oriental or Chaldean Pontifical for the use of the Syro-Malabar Church and to constitute a special commission for the revision, compilation and printing of the said Pontifical, since at that time only manuscripts were in vogue. Regarding the decision of the Pope, we get the following precise information:

The Holy Father, having heard the report, has deigned to observe that Latinization is not to be encouraged among the Orientals. The Holy See does not want to Latinize but to catholicize. And then, half measures are neither generous nor fruitful. So continue in *status quo*, but at once appoint

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10 Cf. Apostolic constitution *Romani pontifices*, AAS 7 (1924) 257-262; P. Pallath, *Important Roman Documents*, 206-219.

11 See P. Pallath and J. Kollara, *Roman Pontifical into Syriac*, 66-70/243-246.

12 Documentation concerning the plenary assembly can be found in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenze dell'Anno 1934*; also Prot. No. 290/29, *Malabaresi-Liturgia*, Fascicolo II; P. Pallath and J. Kollara, *Roman Pontifical into Syriac*, 142-155/308-319.

a commission for the revision of the ancient Pontifical, which can also be printed part by part (in fascicles).<sup>13</sup>

Perhaps, this resolution of Pope Pius XI is the most important and most courageous decision personally taken by a Roman Pontiff about the liturgical identity of the Syro-Malabar Church, even against the opinion of the four succeeding Apostolic Delegates in the East Indies (1896-1934) and the unanimous request of the bishops of the said Church. This historic and authoritative papal decision paved the way for the liturgical restoration and reform in the Syro-Malabar Church, gradually reinstating the Eastern liturgical identity and leading to the publication of the restored liturgical books. In accordance with the papal decision a special commission was constituted for the revision and publication of the East Syrian Pontifical. The commission (in 27 sessions) examined all the important manuscripts, revised the texts, composed the entire Chaldean Pontifical and concluded its work in 1939. A Latin translation of the entire Syriac Pontifical was also made to facilitate the examination of theologians, Roman experts and Cardinals who were unable to read Syriac; it was printed as four parts.<sup>14</sup> The Pontifical was approved by the plenary assembly of the Congregation for the Eastern Church on 3 July 1939 and then by Pope Pius XII on 9 July 1939.<sup>15</sup>

Unexpected setbacks, the Second World War (1939-1945) and the difficulty to find a suitable press for printing the restored Pontifical in East Syriac impeded its immediate publication. At

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13 See the Report of the audience with the Holy Father, in the cited *Ponenze dell'Anno 1934*; also in P. Pallath and J. Kollara, *Roman Pontifical into Syriac*, 158/322.

14 Sacra Congregazione pro Ecclesia Orientali, Prot. N. 290/1929, *Pontificale iuxta Ritus Ecclesiae Syrorum Orientalium id est Chaldaeorum*, partes 1-IV, Typis Polyglottis Vaticanis 1937-1938.

15 For details and documentation, P. Pallath and J. Kollara, *Roman Pontifical into Syriac*, 161-203/324-358.

last, in 1954 the press of the St Joseph's University in Beirut undertook the printing of the Pontifical in Syriac and completed the work in 1957. The Pontifical in Syriac, entitled *Liber Officiorum Pontificalium secundum usum Ecclesiae sanctae Syrorum Orientalium* was officially published in Rome in 1957 for the use of the Churches of the Syro-Oriental tradition. Thus, the Pontifical which the St Thomas Christians used until the XVI century was restored.

On the Great Sunday of Resurrection, 8 July 1958 the Congregation for the 'Eastern Church' applied the Pontifical to the Syro-Malabar Church by the publication of *Ordo persolvendi ritus pontificales iuxta usum Ecclesiae Syro-Malabarensis*, which contained also special instructions and rubrics for celebration.<sup>16</sup> The *Ordo* applied the rites of consecration of new Churches, re-consecration of defiled churches, consecration of portable altar (*deppa*) and consecration of holy oil, as well as rites for the Ordination of lectors (*karoya*), subdeacons (*heupdiakna*), deacons (*m'samsana*), priests, archdeacons, *chorepiscopi*, bishops and metropolitans. The other items of the Pontifical were not immediately relevant for the Syro-Malabar Church, since at that time it was not a major archiepiscopal or patriarchal Church.

## **1.2. Malayalam Translation and Implementation of the Pontifical (1958-1959)**

For more than 60 years the Syro-Malabar bishops used the Roman Pontifical in Latin. After such a long period when the Syriac Pontifical was ready for use, the tendency of employing vernacular in liturgical celebrations was already in vogue and hence there arose the need of translating it into Malayalam. Already on 22 November 1957 under instruction from the Congregation for the Eastern Church a few copies of the

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16 Sacra Congregatio pro Ecclesia Orientali, *Ordo persolvendi ritus pontificales iuxta usum Ecclesiae Syro-Malabarensis*, Romae 1958.



Pontifical were dispatched from Beirut to Mar Joseph Parecattil, Archbishop of Ernakulam (1957-1984) for distribution among the Syro-Malabar bishops. The Congregation sent the Pontifical to Archbishop Parecattil, directing him to translate it into Malayalam in six months time. The Congregation ordered that the new Pontifical be used compulsorily from 1 January 1959, but upon request permission was granted to continue the use of Latin Roman Pontifical for another year.<sup>17</sup> As Archbishop Parecattil states: “By the end of 1959, the translation was completed and as directed by the Congregation was commissioned for use. The long-cherished dream of some of us here was realized”.<sup>18</sup>

The Pontifical was not completely translated into Malayalam and published as an official liturgical book of the Syro-Malabar Church. However, partial Malayalam translations and booklets began to be used for priestly ordinations in 1960, although the first episcopal consecration using the Malayalam Syro-Oriental Pontifical took place only in 1968.<sup>19</sup>

### **1.3. Modification of the Pontifical and a Set of New Reformed Books (1965-2007)**

Mar Joseph Parecattil, the Chairman of the Syro-Malabar Liturgical Committee realized that there were defects and repetitions in the Pontifical. Hence attempts were made to reform it. Firstly, a new rite for the consecration of churches was compiled. About this Archbishop Parecattil states:

I got the defects remedied and the prayers shortened.  
Consecratory rituals were enlarged. According to my  
directions along these lines, Fr. Abel prepared a prayer

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17 Cf. J. Parecattil, *Syro-Malabar Liturgy as I See It*, Ernakulam 1987, 40.

18 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 40.

19 The new Pontifical was used for the first time on 24 February 1968 for the episcopal consecration of Mar Kuriakose Kunnacherry, Bishop of Kottayam.

book, and published it, titled *Pallikoodasa*. It was revised and published again as *Devalaya Prathista* (dedication of churches). [...] The book has not been formally approved by the bishops' council, but it is being invariably used now and nobody has objected to it.<sup>20</sup>

At the time of the blessing of the Basilica at Ernakulam in 1974 the book was again revised and republished as “Solemn Consecration of Churches” and it was used in the entire Syro-Malabar Church for the consecration of churches.<sup>21</sup> New texts were formulated also for sacred Ordinations. Archbishop Parecattil states:

[...] the Central Liturgical Committee appointed a sub-committee on 30.3.1967 with Bishop Valloppilly as chairman and Fr. Lucas CMI as convener. It appears that the committee never met. Still due to the over enthusiasm of Fr. Silas C.M.I., two prayer books, ‘Order of Granting Minor Orders’, ‘Order for Ordination of Priests’, were published with the note ‘Pro-manuscripto’. The two books were scrutinized and published by the Central Liturgical Committee.<sup>22</sup>

However, these books were “tried only in the Archdiocese of Ernakulam and a few other dioceses, even as an experiment”.<sup>23</sup> In the course of time these new books began to be used in all the dioceses in the then ecclesiastical province of Ernakulam. For the episcopal consecration, different booklets with modifications were compiled. Evidently these books were not canonically approved by the competent ecclesiastical authority.

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20 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 44.

21 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 44.

22 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 44.

23 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 45.

The compilation and publication of unapproved liturgical books for episcopal ceremonies and the consequent use of two sets of books for the pontifical rites adversely affected the basic liturgical unity of the Syro-Malabar Church. Moreover, this was detrimental to the harmonious collaboration and fruitful communion among the bishops, clergy, religious and other Christian faithful in different provinces of the same Church, something necessary for the growth and progress of any Christian community.

#### **1.4. A Common Pontifical for the Entire Syro-Malabar Church (1996-2007)**

After the Syro-Malabar Church was elevated to the rank of a major archiepiscopal Church on 16 December 1992, the first session (20-25 May 1993) of the Synod itself constituted a synodal commission of three bishops for liturgy.<sup>24</sup> Under the synodal commission efforts for the reform and renewal of liturgy gradually progressed, also with the aim of producing common liturgical books for the entire Syro-Malabar Church.

The synod of 3 to 15 November 2003 approved the draft of the rites of Episcopal Ordination and Priestly Ordination and the rites of the Installation of Bishops, Archbishops and Major Archbishop.<sup>25</sup> The synod of 22 August to 3 September 2005 sanctioned the Ordination rites of *Karoya*, *Heupdiakna* and *M'samsana*.<sup>26</sup> Moreover the text of the blessing of Oil was given to the synodal Fathers so that they might discuss it in their eparchies and give their observations to the liturgical commission.<sup>27</sup> The synod of 9-11 January 2006 approved the rite of blessing of the Holy Oil (Holy Myron).<sup>28</sup>

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24 Cf. *Synodal News*, no. 1 (August 1993) 7.

25 Cf. *Synodal News*, vol. 11, no. 2 (December 2003) 19 & 36-37.

26 Cf. *Synodal News*, vol. 13, nos.1 & 2 (2005) 24.

27 Cf. *Synodal News*, vol. 13, nos.1 & 2 (2005) 23.

28 *Synodal News*, vol. 14, nos.1 & 2 (November 2006) 51.

The Pontifical of the Syro-Malabar Church containing the: Rite of *Karoya*, *Heupdiakna* and *M'samsana*, Rite of Priestly Ordination, Rite of Episcopal Ordination, Rite of Installation of Bishops/Archbishops, Rite of Installation of Major Archbishop and Rite of Blessing of the Holy Oil, was forwarded to the Congregation for the Eastern Churches on 5 May 2006 for prior review in accordance with canon 657 § 1 of the Eastern Code. On 20 March 2007 the Congregation granted the canonical *recognitio* and thus the way was paved for the publication of a canonically approved Pontifical for the entire Syro-Malabar Church.<sup>29</sup>

With the decree dated 15 August 2007 Major Archbishop Cardinal Varkey Vithayathil promulgated the new Pontifical, indicating that it would be effective from 14 September 2007 and declaring that “all other texts hitherto in use for administering the above-mentioned Pontifical Rites stand abrogated from the same date”.<sup>30</sup> As determined by the Major Archbishop, the new Pontifical came into force on 14 September 2007 and it is invariably used in the entire Syro-Malabar Church, since the bishops themselves who approved the Pontifical are the only celebrants of pontifical ceremonies.

However, one may note that the new Syro-Malabar Pontifical is not complete, since it does not contain all the pontifical rites enshrined in the Syriac typical edition. In the course of time some of the remaining rites were published as separate books: the first and final profession of religious and profession of the members of secular institutes as well as consecration of churches,

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29 Cf. *Order of Pontifical of the Syro-Malabar Church* (Malayalam, Commission for Liturgy), Mount St Thomas (Kochi) 2007, 3-5; cf. also *Report of the Syro-Malabar Commission for Liturgy*, in *Synodal News*, vol. 15, nos.1 & 2 (November 2007) 100.

30 The Decree can be found in *Order of Pontifical of the Syro-Malabar Church*, 3.

consecration of portable altar (*deppa*) and re-dedication of churches (2013).<sup>31</sup>

The present pontifical rites of the Syro-Malabar Church correspond to the structure and spirit of those of the East Syrian tradition, the main difference being the addition of the liturgy of the Word. Although the hymns, prayers and proclamations (evidently also the psalms) of the East Syrian pontifical rites are thoroughly biblical, readings from the Sacred Scripture are not prescribed. Also considering the rediscovery of the importance of the Word of God after the Second Vatican Council the Syro-Malabar Church added biblical readings in between the introductory rites and the sacramental liturgy.<sup>32</sup>

After using the Roman Pontifical for more than three centuries, because of the strong intervention of Pope Pius XI and the indefatigable efforts of the ‘Congregation for the Eastern Church’ the Syro-Oriental or Chaldean Pontifical was again revised and restored for the benefit of Syro-Malabar Church. As in the case of other liturgical books, a section of this Church again deviated from the typical edition promulgated by the Eastern Congregation and produced unapproved liturgical books, thus creating two kinds of pontifical ceremonies. However, with the publication of the new Pontifical, substantially faithful to the Syro-Oriental tradition the Syro-Malabar Church has obtained an authentic and canonically approved common liturgical book, which obviously contributes to the preservation and progression of Eastern liturgical heritage and identity as well as to the creation of basic liturgical unity and communion among the bishops.

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31 Cf. *Synodal News*, vol. 15, nos.1 & 2 (December 2014) 38 and 66.

32 Cf. *Order of Pontifical of the Syro-Malabar Church*, 19, 22, 64, 104.

## 2. Restoration of Holy Qurbana and Eastern Liturgical Identity

At the time of the rebirth of the Syro-Malabar Church in 1887 the Eucharistic liturgy (*Qurbana*) existed in a highly latinized form with many modifications, omissions and interpolations mainly made by the Synod of Diamper (1599) and then by Bishop Francis Ros SJ, the first Latin bishop of the St Thomas Christians (1599-1624), including the addition of some prayers from the Roman and Maronite missals.<sup>33</sup> Moreover, in connection with the holy *Qurbana*, many items such as the sign of the cross from right to left, the Eucharistic bread and wine, Holy Communion under both species, liturgical year and calendar, liturgical vestments, solemnities and feasts, fast and abstinence, as well as sacred art and architecture were all modified in tune with Western and Portuguese traditions and customs. According to the order of the Synod of Diamper the two additional East Syrian anaphoras, attributed respectively to Mar Theodore and Mar Nestorius, were ripped out of the Missals and were burned; subsequently they were not used by the Catholic St Thomas Christians.<sup>34</sup>

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33 For details, R. H. Connolly, "The Work of Meneses on the Malabar Liturgy", in *Journal of Theological Studies XV* (1914) 396-425, 569-589; P. J. Podipara, "The Present Syro-Malabar Liturgy: Menezian or Rozian?", *Orientalia Christiana Periodica* 23 (1957) 313-322; J. Vellian, "The Synod of Diamper and the Liturgy of the Syro-Malabar Church", in G. Nedungatt (ed.), *The Synod of Diamper Revisited*, Rome 2001, 175-181 & 185-191; P. Pallath, *The Eucharistic Liturgy of the St Thomas Christians and the Synod of Diamper* (second edition), Changanacherry 2020, 99-187.

34 For details, P. Pallath, *The Eucharistic Liturgy of the St Thomas Christians*, 190-250; cf. also P. Vazheparampil, *The Making and Unmaking of Tradition*, Rome 1998, 124-126; G. Thadikkatt, *Liturgical Identity of the Mār Tōma Nazrāni Church*, Kottayam 2004, 89-104.

## 2.1. Special Liturgical Commission and Compilation of the Order of *Qurbana*

After the promulgation of the Pontifical in 1957 the Congregation for the Eastern Church continued with the work of restoration of the Syro-Malabar liturgy. Prior to this, already in November-December 1953 Cardinal Eugene Tisserant, secretary of the Congregation for the Eastern Church visited Kerala and the main centres of the Syro-Malabar and Syro-Malankara Churches.<sup>35</sup> During the visit he consecrated Joseph Parecattil, auxiliary bishop of Ernakulam on 30 November 1953.<sup>36</sup> Cardinal Tisserant had ample opportunity to personally observe the deplorable state of Syro-Malabar Liturgy which needed urgent restoration and reform.

A few months after the visit of Cardinal Tisserant in Kerala, on 10 March 1954 he set up a special commission at the 'Congregation for the Eastern Church', consisting of Prof. Alphonse Raes SJ (president), Prof. Cyril Korolovskij and Fr. Placid Podipara CMI (members), for the restoration and reform of Syro-Malabar Missal, Ritual and Divine Office. A Chaldean Priest Emmanuel Delly was nominated to help the commission.<sup>37</sup> With the letter of 6 May 1954 Cardinal Tisserant officially informed Mar Augustine Kandathil, Archbishop of Ernakulam (1923-1956) and the bishops of the Syro-Malabar Church of the

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35 The Report of the visit of Cardinal Tisserant, in Sacred Congregation for the Eastern Church, *Servizio Informazioni Chiesa Orientale* (SICO), n. 164 (December 1953) 59-62. Since the Roman Pontiff himself was the prefect of the Congregation at that time, the head of the Dicastery was called secretary.

36 Cf. Sacred Congregation for the Eastern Church, *Servizio Informazioni Chiesa Orientale* (SICO), n. 164 (December 1953) 61.

37 Vatican City, Archives of the Dicastery for the Eastern Churches, Prot. No. 947/48, *Liturgia Malabaresi: stato dei libri liturgici malabaresi*, fascicolo IIIa.

appointment of the special liturgical commission, asking them to educate the clergy and laity “along genuine liturgical lines”.<sup>38</sup>

The task of the Roman commission was to restore the Missal, the Ritual and the Divine Office and hence altogether 42 sessions were held for the completion of the entire work. In the first meeting of the commission the scope, nature, method and orientation-principles of the work were fixed. In the said meeting decision was also taken to start the work with the restoration of the Missal. The commission studied the printed Syro-Malabar and Chaldean missals, Indian and Chaldean manuscripts of the *Qurbana*, important scholarly works and gave definitive form to the *Taksa* (Order) of Syro-Malabar *Qurbana*. In 1955 the proposed *Taksa*, entitled: *Syro-Malabar Liturgy: Revision and Reprint of Syro-Malabar Missal*, was printed in Latin under the auspices of the Sacred Congregation for the Eastern Church, in order to facilitate the consultation of Syro-Malabar bishops and the examination of Roman authorities.<sup>39</sup>

In addition to the preface of the liturgical commission (pp.3-5), the book contains the common Order with the Anaphora of Addai and Mari (pp. 7-44), the second Anaphora attributed to Mar Theodore (pp. 45-54), the third Anaphora attributed to Mar Nestorius (pp. 55-59), rubrics and directives for celebration in solemn form (pp. 70-81), simple form (pp. 81-84) and most solemn form or *Raza* (pp. 84-89), as well as indications concerning the internal structure of the churches (pp. 89-90), liturgical vestments (p. 90) and the liturgical calendar (pp. 92-97).

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38 Vatican City, Archives of the Dicastery for the Eastern Churches, Prot. No. 947/48, *Liturgia Malabaresi: stato dei libri liturgici malabaresi*, fascicolo II.

39 Original bibliographical details: Sacra Congregazione per la Chiesa Orientale (Prot. N. 947/48), *Liturgia Siro-Malabaresi: Revisione e Ristampa del Messale Siro-Malabarese*, Roma 1955.



## 2.2. Consultation of Syro-Malabar Bishops, Approval and Promulgation

The printed Latin text was sent to all the Syro-Malabar bishops asking for their comments, observations and proposals; then seeing the general negative attitude of the bishops the aforementioned liturgical commission and a few experts were also consulted.<sup>40</sup> After examining the results, a second consultation of the Syro-Malabar bishops was made especially on some controversial points.<sup>41</sup> Then on 27 May 1957 the plenary assembly of the Congregation examined the text elaborated by the commission, together with the observations of the Syro-Malabar bishops. The assembly approved the Syro-Malabar Missal, comprising the common Order, three Anaphoras of the East Syrian tradition and all other items contained in the aforementioned text. Although the members of the assembly preferred to restore the authentic Eastern liturgy with all its components, taking into consideration the observations and proposals of the Syro-Malabar bishops, many concessions and permissions were granted in a temporary manner. On 26 June 1957 Pope Pius XII approved the Syro-Malabar Missal with all its components.<sup>42</sup>

In addition to the study edition of the Latin text of the *Qurbana* already printed in 1955, the Congregation for the Eastern Church published the *Ordo Celebrationis* (the *Order*

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40 Responses of the Syro-Malabar bishops and experts, in P. Pallath, *Restoration and Reform of Syro-Malabar Missal: Important Documents*, Changanacherry 2018, 100-157.

41 See documentation in P. Pallath, *Restoration and Reform of Syro-Malabar Missal*, 159-164.

42 Documentation in Vatican City, Archives of the Dicastery for the Eastern Churches, Prot. No. 947/1948, *Malabaresi-Liturgia: Revisione e Stampa del Messale Malabarese, Relazione con Sommario, Ponzona del 27 maggio 1957*; English translation in P. Pallath, *Restoration and Reform of Syro-Malabar Missal*, 167-194.

of Celebration) in 1959.<sup>43</sup> In fact, the proposed Missal of 1955 already contained the Order of Celebration (pp. 70-91). This *Ordo* was updated and modified in accordance with the proposals and decisions of the plenary assembly, approved by Pope Pius XII and was published as a separate book. Moreover, an introduction was added, which provides instructions concerning the internal structure of the churches and liturgical vestments, as well as some additional rubrics (pp. 3-7). After the said introduction the *Ordo* contains detailed directives and norms for the celebration of the three forms of *Qurbana*: solemn form (pp. 8-24), simple form (pp. 25-29) and the most solemn form called *Raza* (pp. 30-37), as well as notes on bishop's *Qurbana* (pp.38-39), the prayers said by the Christian faithful (pp. 40-42) and liturgical calendar (pp. 43-70).

Moreover, the Sacred Congregation published the *Supplementum Mysteriorum* (pp. viii + 267) in 1960, which contains the variable prayers, psalms and hymns for all Sundays and feast days (movable and immovable) of the liturgical year.<sup>44</sup> In the book promulgated by the Congregation for the Eastern Church, in addition to the readings, according to the Syro-Oriental tradition there are only seven variable items: psalmody, anthem of the sanctuary, surraya or responsorial hymn, zummara or alleluia hymn, anthem of the mysteries, onitha d'bema or Communion hymn and onitha d'bathe or invitation to Communion.

On 12 May 1960 the Syriac *Taksa d'Quddasa*, containing the common order of the *Qurbana* in the simple form only with the Anaphora of Addai and Mari, leaving out the second and third anaphoras, attributed to Mar Theodore and Mar Nestorius

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43 Sacra Congregatio pro Ecclesia Orientali, *Ordo celebrationis Quddasa iuxta usum Ecclesiae syro-malabarensis*, Romae 1959.

44 Sacra Congregatio pro Ecclesia Orientali, *Supplementum Mysteriorum sive Proprium Missarum de tempore et de Sanctis iuxta Ritum Ecclesiae syro-malabarensis*, Romae 1960.

respectively, was published at Alwaye, with the ‘*imprimatur*’ of Archbishop Joseph Parecattil.<sup>45</sup> On 20 January 1962 the ‘Congregation for the Eastern Church’ issued the instruction, *De ritu Sacrificii Eucharistici instaurato*, addressed to the Syro-Malabar hierarchy, by which the new Syro-Malabar Missal in Syriac, printed at Alwaye, was officially promulgated.<sup>46</sup> Subsequently on 3 July 1962 by common accord and decision of bishops, the new Missal partially translated into Malayalam (the institution narrative and the *gahanta* prayers in Syriac itself), bearing the *imprimatur* of all the seven bishops officially came into force.<sup>47</sup> Several items like the second and third anaphoras, variable prayers, Eastern liturgical vestments, East Syrian lectionary were not introduced at that time.

### 2.3. Counter Reform and Liturgical Anarchy

However, another abbreviated, westernized and restructured text according to the liturgical vision of Archbishop Joseph Parecattil was introduced in 1968 with the approval of the Apostolic See *ad experimentum* for two years, but which was used for liturgical celebration in some dioceses until 1986 and in other dioceses until 1989.<sup>48</sup> The new text endured about 52

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45 *Taksa d' Quddasa, The Order of the Syro-Malabar Qurbana* (Syriac), Alwaye 1960.

46 Vatican City, Archives of the Dicastery for the Eastern Churches, Prot. No. 955/65, *Liturgia Malabaresi: stato dei libri liturgici malabaresi, Riforma*, fascicolo I; P. Pallath, *Restoration and Reform of Syro-Malabar Missal*, 206-209 (English), 387-389 (original Latin text).

47 *The Order of Qurbana of the Syro-Malabar Church*, Alwaye 1962 (Malayalam text with a few prayers in Syriac in pages 1-58; after this complete Syriac text is reproduced).

48 *The Order of Qurbana of the Syro-Malabar Church*, Alwaye 1968; for the liturgical vision of Archbishop Parecattil, see his book, *Syro-Malabar Liturgy as I See It*, which has already been cited above; for details concerning the 1968 Qurbana, see pages 46-104; for the defects and peculiarities of 1968 Qurbana, see T. Mannoorampampil, *The Historical*

modifications including the restructuring of the pre-anaphora; numerous prayers were shortened, reformulated, partially or completely omitted. Whatever Archbishop Parecattil considered “Nestorian doctrinal errors” was also corrected.<sup>49</sup> Moreover, for the first time permission was granted to celebrate the first part of the *Qurbana* (from the beginning until the Creed inclusive) facing the people.<sup>50</sup> Obviously the 1968 Order of *Qurbana* deviated much from the authentic text compiled by the Roman liturgical commission, accepted by the plenary meeting of the Congregation for the Eastern Church and promulgated by the same Congregation after the approval of Pope Pius XII.

The liturgical indiscipline and chaos triggered after the publication of 1968 Missal affected also other sectors of liturgy: the Pontifical, the Ritual and the Liturgy of the Hours. The period after the implementation of 1968 Missal was also marred by the proliferation of unauthentic and unapproved Orders of *Qurbana*. The main such texts were: *An Order of the Mass for the Indian Church* prepared by Dharmaram College Bangalore (CMI) in 1969, *Indian Mass, Indianized Mass or Bharathiya Pooja*, inspired by *the Order of the Mass for India*, prepared by the National Biblical, Catechetical and Liturgical Centre (NBCLC), *Mini Mass* of Ernakulam, an abbreviated form of 1968 Missal with more omissions and modifications published on 3 July 1974,<sup>51</sup> as well as four Masses of Fr. Abel CMI such as Festival

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*Background of Syro-Malabar Qurbana* (Malayalam), Kottayam 1986, 127-151; G. Thadikkatt, *Liturgical Identity of the Mār Tōma Nazrāni Church*, 120-125.

49 For details concerning the modifications, P. Pallath, *Restoration and Reform of Syro-Malabar Missal*, 355-386.

50 *The Order of Qurbana of the Syro-Malabar Church* (1968), *General Norms*, no. 5, page I.

51 For information about these texts: J. Parecattil, *Syro-Malabar Liturgy as I See It*, 65-73, 82-83, 91-98 and Appendix III, pages 65-74; T. Mannoorampampil, *The Historical Background of Syro-Malabar*

*Raza*, Requiem *Raza*, Festival High Mass and Requiem High Mass<sup>52</sup>. In some regions each priest began to celebrate Qurbana according to his own whims and fancies, without depending on any text.

#### **2.4. Order of Qurbana 1985 and 1989**

It is evident that the publication of the 1968 Missal precipitated the Eucharistic Liturgy of the Syro-Malabar Church into the abyss of uncertainty and liturgical anarchy. Occasionally the Congregation for the Eastern Churches intervened to resolve the problems, but without any tangible result. Finally with three documents issued between 1980 and 1985 the Congregation gradually brought the Syro-Malabar Church back to the Eucharistic Liturgy (*Qurbana*) established by the Apostolic See with papal approval in 1955 (Latin text); partial Syriac text in 1960 and partial Syriac-Malayalam text in 1962.<sup>53</sup>

The Order of *Qurbana* formulated in accordance with the aforementioned documents was sent to the Congregation for definitive approval towards the end of 1985. With the decree of 19 December 1985, the Congregation for the Eastern Churches approved and promulgated the most solemn *Qurbana (Raza)*

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*Qurbana*, 152-154; G. Thadikkatt, *Liturgical Identity of the Mār Tōma Nazrāni Church*, 123-133; P. Vazheparampil, *The Making and Unmaking of Tradition*, 157; for a critical evaluation of Indian Masses, see *Roman Documents on the Syro-Malabar Liturgy*, Kottayam 1995, 19-28.

52 Abel CMI, "Foreword", in J. Parecattil, *Syro-Malabar Liturgy as I See It*, ix-x; information about these texts provided by Parecattil can be found in the same book pages 97-98; cf. also G. Thadikkatt, *Liturgical Identity of the Mār Tōma Nazrāni Church*, 130-132.

53 The three documents commonly known as, *Report on the State of Liturgical Reform in the Syro-Malabar Church*, *Observations on "The Order of the Holy Mass of the Syro-Malabar Church 1981"* and *Final Judgement of the Sacred Congregation can be found in Roman Documents on the Syro-Malabar Liturgy*, 1-114.

of the Syro-Malabar Church in English and Malayalam.<sup>54</sup> As indicated in the same decree, the text came into force on 8 February 1986, when Pope John Paul II celebrated holy Qurbana in Syro-Malabar Rite at Kottayam on the occasion of the beatification of Sr. Alphonsa Muttathupadathu FCC and Fr. Chavara Kuriakose Elias CMI.

After the approval and promulgation of the Order of solemn Qurbana (Raza) in 1985, “a large number of observations, suggestions and petitions have poured out into this Office” (Congregation for the Eastern Churches).<sup>55</sup> Having conducted a careful study of all such petitions, the Congregation formulated a *via media* and on 5 May 1988 emanated the *Directives on the Order of Syro-Malabar Qurbana in Solemn and Simple Forms*.<sup>56</sup> The text was sent to all the local Hierarchs of the Syro-Malabar Church with a forwarding letter. The Directives permitted a number of options, omissions, concessions and abbreviations in solemn and simple forms of the *Qurbana* for pastoral reasons.

The text of *Qurbana* in simple and solemn form prepared by the Syro-Malabar Bishops' Conference based on the aforementioned Directives was approved and promulgated by the Eastern Congregation with the decree dated 3 April 1989.<sup>57</sup> The Order of *Qurbana* in simple and solemn forms began to be used for liturgical celebration on 3 July 1989. As before this text

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54 The Decree in Syro-Malabar Bishops' Conference, *Order for the Solemn Raza of the Syro-Malabar Church* (no place) 1986, Latin original in pages v-vi, Malayalam in vii-viii.

55 Forwarding Letter, *Directives on the Order of Syro-Malabar Qurbana in Solemn and Simple Forms*, in *Roman Documents on the Syro-Malabar Liturgy*, 122.

56 *Directives on the Order of Syro-Malabar Qurbana in Solemn and Simple Forms*, in *Roman Documents on the Syro-Malabar Liturgy*, 126-139.

57 The Decree in *The Syro-Malabar Qurbana: the Order of Raza* (no place, Malayalam) 1989, Latin original in pages ix-x, Malayalam in xi-xii.

also contained the Anaphora of Addai and Mari alone. A set of some variable prayers for each liturgical period was added after the Order of *Qurbana*.

## **2.5. Other Liturgical Elements: Completion of the Order of *Qurbana***

In the course of time different liturgical elements which enrich and solemnize the *Qurbana*, providing more variety and devotionality have been prepared and published. Among these we consider the variable prayers (*Propria*), liturgical texts for Christmas, Beginning of Lent and Holy Week, the Anaphoras of Theodore and Nestorius as well as the lectionary or proclamation book.

### **2.5.1. Variable Prayers (2005)**

We have already seen that the Congregation for the Eastern Church published the *Supplementum Mysteriorum sive proprium Missarum* containing the variable prayers, psalms and hymns already in 1960. Although a set of some variable prayers of each liturgical period was attached at the end of the previous Orders of *Qurbana*, the aforementioned liturgical book was not fully translated and implemented. After the elapse of about 35 years, the Synod of Bishops of the Syro-Malabar Church held from 6 to 18 November 1995 approved the text of the *propria* of the Holy *Qurbana* for the various periods of the liturgical year, for feast days of our Lord, Blessed Virgin Mary and saints, and for some special occasions.<sup>58</sup> After obtaining the canonical *recognitio* of the Congregation for the Eastern Churches on 10 July 2005, with the decree of 1 November 2005 Major Archbishop Varkey Cardinal Vithayathil promulgated the text for a period of experiment to be effective from 27 November 2005.<sup>59</sup> The text of the *propria*,

58 Cf. *Synodal News*, nos. 7 & 8 (April 1996) 20-21

59 Cf. Decree, *Syro-Malabar Liturgy: Variable Prayers of the Holy Qurbana (Propria)*, Commission for Liturgy), Mount St Thomas 2005, 3.

consisting of 975 pages, was published as four volumes, each of which contains variable prayers for some of the nine periods of the liturgical year, beginning with the Annunciation and ending with the Dedication of the Church, as well as those for the feasts, commemorations and special occasions during those periods.<sup>60</sup>

The *Supplementum Mysteriorum* published by the Eastern Congregation in 1960, excluding the readings, contained only 7 items: Psalmody (*Marmitha*), hymn of the sanctuary (*Onitha d'Qanke*), *Responsorial hymn* (*Surraya*), Alleluia hymn (*Zummara*), Anthem of the Mysteries (*Onitha d'Raze*), Communion hymn (*Onitha d'Bema*), and Invitation to Communion (*Onitha d'Bathe*). The Syro-Malabar Church added 6 more elements (thus including the four readings there are now 17 variable items): the initial prayer after Our Father, proclamation prayer (*Karozutha*), its concluding priestly prayer, post Communion thanksgiving prayer of the priest I, post Communion thanksgiving prayer of the priest II, final blessing or sealing prayer (*Huttama*).

Because of so many items of variable prayers dispersed in four volumes, it was difficult for the Christian faithful who participate in the *Qurbana* and even for the priests to use the variable prayers. The Synod of 18-29 August 2008 authorized “the committee for *propria* to select one set of prayers and hymns of a Sunday from each season for the use of the community on all Sundays of the same season with a view to better participation of the people, and similarly to set apart, if needed, any prayer of the celebrant too, according to their discretion”.<sup>61</sup> In accordance with the decision 24 *propria* prayers (one for each liturgical

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60 *Syro-Malabar Liturgy: Variable Prayers of the Holy Qurbana (Propria, Commission for Liturgy)*, vols. 4, Mount St Thomas 2005 (the decree of promulgation can be found at the initial part of each volume).

61 *Synodal News*, vol. 16, nos. 1 & 2 (2008) 62.



period and some important feasts) were selected and the Synod of 17-28 August 2009 approved “the finalized text of 24 selected propria prayers of the Holy *Qurbana* to be incorporated into the Taksa of the Holy *Qurbana*”.<sup>62</sup> The Taksa incorporating 24 selected propria prayers was published in 2011; a small *Qurbana* text with propria was also printed for the use of the people in the same year.

### **2.5.2. Liturgical Texts for Christmas, Beginning of Lent and Holy Week (2009)**

The Synod of Bishops in its sessions held from 10 to 22 July 2000, 30 October to 11 November 2000, 21 August to 2 September 2006 and 18 to 29 August 2008 examined the liturgical texts for Christmas, Penitential Service to begin the Great Fast (*Vibhoothi*), Palm Sunday, Holy Thursday, Passion Friday, Holy Saturday and Easter Sunday and approved them.<sup>63</sup> After obtaining the canonical *recognitio* of the Congregation for the Eastern Churches on 2 April 2009, with the decree of 6 August 2009 Major Archbishop Varkey Cardinal Vithayathil promulgated the texts as two booklets, “to be effective from 14th September 2009 and with the same Act declares that all other texts hitherto in use for the celebration of the above-mentioned liturgical rites stand abrogated from the same date”.<sup>64</sup>

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62 *Synodal News*, vol. 17, nos. 1 & 2 (2009) 66.

63 *Synodal News*, vol. 8, no. 1 (September 2000) 37-38; vol. 8, no. 2 (December 2000) 31; vol. 14, nos. 2 & 3 (2006) 111; vol. 16, nos. 1 & 2 (2008) 61.

64 Cf. Decree, in *Syro-Malabar Liturgy: Christmas* (Commission for Liturgy) Mount St Thomas 2009, 3 or *Penitential Service to Begin the Great Fast (Vibhoothi), Palm Sunday, Holy Thursday, Passion Friday, Holy Saturday and Easter Sunday*, Mount St Thomas 2009, 3.

### 2.5.3. Second Anaphora or Anaphora of Theodore (2013)

The Synod of Bishops in its session from 20 August to 1 September 2012 approved the text of the Second Anaphora (attributed to Mar Theodore).<sup>65</sup> After obtaining the canonical *recognitio* of the Congregation for the Eastern Churches on 15 December 2012, Major Archbishop George Cardinal Alencherry promulgated the text on 24 July 2013 to be effective from 15 August 2013.<sup>66</sup> Although traditionally the second Anaphora was used from the first Sunday of Annunciation to the Palm Sunday, in the Syro-Malabar Church this Anaphora can be used during any period and on any day. Since the second Anaphora is rather long, those parts that can be omitted in all forms of the *Qurbana* are printed in small character, and those in solemn and simple forms are put in square brackets.<sup>67</sup>

### 2.5.4. Lectionary or Proclamation Book (2013)

The Synod of Bishops held from 19 to 31 August 2013 approved the lectionaries of Old Testament, Epistles and Gospels, prepared on the basis of the *Supplementum Mysteriorum* published by the Eastern Congregation in 1960.<sup>68</sup> With the decree of 10 October 2013 Major Archbishop George Cardinal Alencherry promulgated them as three books, to be effective from 1 December 2013, the day on which the liturgical year begins.<sup>69</sup> The three proclamation-books are: 1) Old Testament,

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65 *Synodal News*, vol. 20, nos. 1 -3 (2012) 101 & 121.

66 Cf. Decree, in *Syro-Malabar Liturgy: The Second Anaphora, the Anaphora of Theodore* (Malayalam, Commission for Liturgy), Mount St Thomas 2013, 3.

67 *Syro-Malabar Liturgy: The Second Anaphora*, 9.

68 *Synodal News*, vol. 21, nos. 1 & 2 (2013) 103, 154-155.

69 Cf. Decree, in *Syro-Malabar Liturgy: Proclamation Book or Lectionary* (Malayalam, Commission for Liturgy), vols. 3, Mount St Thomas 2013, 3 (the decree can be found at the initial part of each volume).

pages 413; 2) Epistle, pages 389; 3) Gospels, pages 218. Each proclamation book is distinguished into three parts: 1) Readings according to the liturgical period; 2) Readings for feasts and commemorations on fixed dates; 3) Some optional readings for the feasts of saints (for example, martyrs, virgins) and readings for special occasions (for example, baptism, marriage, ordinations, profession). The text used in the proclamation books are taken from the New Revised Malayalam version of the holy Bible prepared by the Bible Commission of the Kerala Catholic Bishops' Council (KCBC) and published by the Pastoral Orientation Centre (POC).<sup>70</sup>

### **2.5.5. Third Anaphora or Anaphora of Nestorius (2018)**

The Synod of Bishops in its session from 9 to 14 January 2017 approved the text of the Third Anaphora (attributed to Mar Nestorius).<sup>71</sup> After obtaining the canonical *recognitio* of the Congregation for the Eastern Churches on 19 June 2018, Major Archbishop George Cardinal Alencherry promulgated the text on 4 August 2018 to be effective from 8 September 2018.<sup>72</sup> Although traditionally the third Anaphora was used only five times a year: on the feast of Epiphany, on the Friday of John the Baptist, on the memorial day of Greek doctors, on the Wednesday of the rogation of Ninevites and on the Passover Thursday, in the Syro-Malabar Church this Anaphora can be used during any period and on any day. Since the third Anaphora is very long, those parts that can be omitted in all forms of the Qurbana are

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70 Cf. *Syro-Malabar Liturgy: Proclamation Book*, vol. 1, 7 (initial statement).

71 *Synodal News*, vol. 25, nos. 1 & 2 (2017) 28-29 & 106.

72 Cf. Decree, in *Syro-Malabar Liturgy: The Third Anaphora, the Anaphora of Nestorius* (Malayalam, Commission for Liturgy), Mount St Thomas 2018, 3.

printed in small character, and those in solemn and simple forms are put in square brackets.<sup>73</sup>

## 2.6. Taksā of Raza 2021: an Instrument of Stability and Communion

As we have seen above the Congregation for the Eastern Churches approved the typical edition of the Order of Syro-Malabar *Qurbana* in 1989 (English text) containing the norms and rubrics for the solemn and simple forms of the *Qurbana* with the decree dated 3 April 1989.<sup>74</sup> In the decree it was explicitly stated: “This text cannot be modified in any manner before five years from the date of the decree. This holds good also for the *Raza*. After this interval of experiment, the Syro-Malabar Bishops’ Conference can propose options, modifications and improvements in the text for the approval (of the Congregation)”.<sup>75</sup> This clause seems to be inserted because after the promulgation of the *Qurbana* texts in 1962, 1968 and 1986 some bishops immediately asked for modifications and changes: in fact, the Congregation prescribed a moratorium for at least five years.

Liturgical controversies and struggles especially concerning the *Qurbana* facing the people, endeavours to obtain the elevation of the Syro-Malabar Church to the status of a major archiepiscopal Church and attempts to compile and publish other liturgical books impeded the bishops from revising the *Qurbana* text after the elapse of five years, and it was used until the promulgation of the present text in 2021, namely for about

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73 *Syro-Malabar Liturgy: The Third Anaphora*, 10.

74 *The Syro-Malabar Qurbana: The Order of Raza* (1989), vii-viii.

75 “Huiusmodi textus nullatenus recognosci poterit quinque ante annos a praesenti dato Decreto. Idem valeat pro textu Raza. Post hoc experimenti intervallum proponi poterunt a Conferentia Episcopali Syro-Malabarensi pro adprobatione obtinenda optiones, immutationes et ameliorationes huiusmodi textuum”. *The Syro-Malabar Qurbana: The Order of Raza* (1989), viii.

32 years. However, the tendency of some bishops to make some changes in the text, modifying a word or adding some phrases continued, creating troubles for the celebrants and the Christian faithful. For example, the words used for the commemoration of the major archbishop in the *Qurbana* were modified at different times, the phrase “lay missionaries and consecrated persons” was added in the anaphoral intercessory prayer, the name of St Joseph was added in the invariable part of the Anthem of Mysteries.<sup>76</sup>

However, attempts for “options, modifications and improvements” proposed in the decree of 1989 began only in 2013, as the synod advised the commission for liturgy to proceed with the revision of the *Qurbana Taksa*.<sup>77</sup> During the period between 2013 and 2020 wider consultations were held in the entire Church with the involvement of clergy, religious and lay Christian faithful; the text was reviewed and examined by the commission for liturgy, evaluated by the central liturgical committee, consisting of the representatives of all the eparchies and religious congregations of the Syro-Malabar Church and scrutinized by a special committee of 5 bishops appointed for the same purpose, together with the three bishops of the liturgical commission.<sup>78</sup> After all studies, discussions and reflections, the Synod of Bishops held from 10 to 15 January 2020 unanimously approved the *Qurbana of the Syro-Malabar Church: the Order of Raza*.<sup>79</sup> Moreover a consensus was also reached on the

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76 For information concerning these additions or modifications, cf. *Synodal News*, vol. 20, nos. 1 & 2 (2012) 44 & 125; vol. 22, nos. 1 & 2 (2014) 30-31, 39 & 65-66.

77 *Synodal News*, vol. 21, nos. 1 & 2 (2013) 75-76 & 104.

78 Cf. *Synodal News*, vol. 22, nos. 1 & 2 (2014) 31, 39 & 66-67; vol. 23, nos. 1 & 2 (2015) 62 & 91; vol. 24, nos. 1 & 2 (2016) 28, 35 & 68-69; vol. 25, nos. 1 & 2 (2017) 29 & 75-77; vol. 28 (2020) 91.

79 *Synodal News*, vol. 28 (2020) 25 & 40.

implementation of the uniform of mode of celebrating holy *Qurbana* also in those few eparchies which until then failed to do so, as it was unanimously decided in 1999.<sup>80</sup> After obtaining the *recognitio* of the Apostolic See on 9 June 2021 with the decree of 8 September 2021 Major Archbishop George Cardinal Alencherry promulgated the “definitive *Taksa* of the *Raza*, Solemn and Simple forms of the *Qurbana* in Malayalam to be effective from 28 November 2021 (First Sunday of Annunciation)”.<sup>81</sup>

It is to be noted that the *Taksa* of the *Raza* 2021 is not an entirely new text compiled on the basis of East Syriac sources, but only “options, modifications and improvements” were made in the text of 1989 which was already examined by the experts of the liturgical commission at the Congregation for the Eastern Churches on different occasions between the years 1954 and 1989. However, in the new text efforts have been made to render words and phrases more faithful to the Syriac originals, to improve linguistic expressions and styles, as well as to ensure logical coherence, musical rhythm and basic uniformity in the same kind of proclamations and prayers.

In the Anaphora of Addai and Mari two main modifications have been made. The third g’hanta (inclination prayer) of the said Anaphora has been reformulated, omitting the historical introductory part to the Institution Narrative taken from the Anaphora of Nestorius and inserted in 1986 and 1989 texts, because it was not part of the original and authentic version of

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80 Cf. *Synodal News*, 28 (2020) 64-65, 77 & 91. For details and documentation concerning the uninformed mode of celebrating *Qurbana*, P. Pallath, *The Liturgical Heritage*, 165-190.

81 Letter granting *recognitio*, in *Synodal News*, vol. 29 (2021) 159, decree of promulgation in page 163; the same items can be found also in *Qurbana of the Syro-Malabar Church: the Order of Raza* (Commission for Liturgy), Mount St Thomas 2021, pages v & vii.

the Anaphora.<sup>82</sup> From 1962 onwards some bishops asked for the reformulation of the fourth g'hanta avoiding discrepancies of addressing the Father and the Son alternatively and for the shortening of this prayer, since it is rather long with respect to the three preceding ones.<sup>83</sup> Since such a request was continued to be made, some repetitive parts of the said inclination prayer are rendered optional, putting in brackets, while keeping intact the entire text.<sup>84</sup>

Since only improvements and perfections were made in the already examined and approved texts of 1986 and 1989 and since the new order of *Raza* was unanimously approved by the Synod after reaching consensus on all relevant points, the Apostolic See did not ask for further modifications, “hoping that the venerable Syro-Malabar Church may be for all others an exemplary witness of ecclesial unity, supremely expressed in the worthy and faithful celebration of the Holy Eucharist”.<sup>85</sup> The Apostolic See considered it important to maintain unanimity and consensus among the bishops also in view of implementation of the uniform mode of celebrating holy *Qurbana*. Also respecting the relative liturgical autonomy of the Eastern Churches guaranteed by the Eastern Code (canon 657), since there was nothing contrary to faith and morals, the Apostolic See only prescribed the promulgation of “unmistakably explicit rubrics” concerning the uniform mode of celebrating holy *Qurbana* and their inclusion in the new Order.<sup>86</sup> In fact, according to the

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82 *Qurbana of the Syro-Malabar Church: the Order of Raza*, 77-79.

83 Cf. J. Parecattil, *Syro-Malabar Liturgy as I See It*, 72-73, also appendix III, page 57 and appendix V, page 112.

84 *Qurbana of the Syro-Malabar Church: the Order of Raza*, 82-83.

85 The letter granting *recognitio* on 9 June 2021, in *Synodal News*, vol. 29 (2021) 159; in *Syro-Malabar Qurbana: the Order of Raza*, v.

86 This was asked already on 9 November 2020 after a preliminary examination of the text submitted for *recognitio*. See the letter of the

instruction of the Apostolic See directives and rubrics have been added in the new Order of *Qurbana* prescribing the celebration from the beginning until the priestly prayer for the solemn entrance into the sanctuary facing people, from the beginning of the anaphora until the reception of the holy Communion inclusive turning towards God (or Altar) and the concluding prayers after the Communion again facing the people.<sup>87</sup> Thus the uniform mode of celebrating *Qurbana* has become an integral part of the binding liturgical law of the Syro-Malabar Church.

The new *Taksa* is a complete liturgical book in the sense that it contains the common order of *Qurbana*, all the three anaphoras of the East Syrian tradition, namely the one of Addai and Mari and those attributed to Mar Theodore and Mar Nestorius (after the synod of Diamper in 1599 the latter two were not included in any of the official *Qurbana* texts) and 29 sets of variable prayers: one set each for 9 liturgical seasons, variable prayers for the main feasts of our Lord, Blessed Virgin Mary and St Joseph, for the commemoration of saints including those of the Syro-Malabar Church. It is hoped that the new *Taksa* will remain a stable instrument of basic liturgical unity and mutual communion for a long time and the Synod may not permit any alteration in it, succumbing to diplomatic courtesy and superficial accommodation tendency. The celebrants and more importantly the simple Christian faithful may not be troubled anymore by the addition, removal or modification of some words or phrases in the prayers of the *Qurbana*, only to satisfy the inordinate tendency of some bishops to innovate and relativise any liturgical text according to their whims and

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Congregation for the Eastern Churches, Prot. N. 248/2004, in *Synodal News*, vol. 29 (2021) 156-157.

87 *Qurbana of the Syro-Malabar Church: the Order of Raza*, General Directives, no. 7 in page xi and rubrics especially in pages 68, 123 & 150.



fancies without any sound theological or canonical reasons (a *moratorium* may be declared for at least for 50 years).

### **3. Restoration and Reform of the Ritual and Sacramental Liturgy**

According to the order of the provincial council of Goa in 1585 the Roman Ritual was also translated into Syriac for the use of the St Thomas Christians.<sup>88</sup> Since at that epoch there were different rituals in the Latin Church, the Roman Ritual translated into Syriac was the one in use in the Archdiocese of Braga in Portugal.<sup>89</sup> During the concluding ceremony of the Synod of Diamper in 1599, in addition to three holy oils and a surplice according to the Latin tradition, a Syriac translation of the Roman Ritual was also given to each parish priest for the correct administration of the sacraments.<sup>90</sup>

After the Synod of Diamper, on the occasion of the canonical visits conducted by Archbishop Menezes or his delegate all the Syriac liturgical texts for the celebration of the sacraments, together with other Syriac books and documents, were burned.<sup>91</sup>

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88 Provincial council of Goa in 1585, session 3, decree 7, *Bullarium Patronatus Portugalliae Regum*, Appendix 1, 75; original with English translation in P. Pallath, *The Provincial Councils of Goa and the Church of St Thomas Christians*, 115-116.

89 Cf. E. Tisserant, *Eastern Christianity in India*, Bombay 1957, 177.

90 Cf. A. De Gouvea, *Jornada do Arcebispo de Goa Dom Frey Aleixo de Menezes Primaz da India Oriental*, Coimbra 1606, 72; P. Malekandathil (ed.), *Jornada of Dom Alexis de Menezes: A Portuguese Account of the Sixteenth Century Malabar*, Kochi 2003, 291.

91 Cf. Synod of Diamper, session III, decrees 14-16 & session V, *The Doctrine of the Sacrifice of the Mass*, decree 1; cf. also A. De Gouvea, *Jornada do Arcebispo de Goa Dom Frey Aleixo de Menezes*, 74-75 & 88; P. Malekandathil (ed.), *Jornada of Dom Alexis de Menezes*, 294-296 & 351; J. Kollaparambil, "The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians", 163-164; G. Thadikkatt, *Liturgical Identity of the Mār Tōma Nazrāni Church*, 99-100.

Hence, there was only the Syriac translation of the Roman Ritual (*Rituale Romanum*), which remained in manuscript form for more than 175 years. Only in 1775 *Ordo Chaldaicus Ministerii Sacramentorum Sanctorum*, the Syriac translation of the Roman Ritual, was printed and published under the auspices of the Congregation of Propaganda Fide.<sup>92</sup> The *Ordo* contained only the rites of baptism, penance (confession), extreme unction (anointing of the sick) and marriage. Since it was intended for priests, logically it did not contain the sacrament of confirmation, which was to be administered only by bishops according to the Latin tradition. In 1845 the second edition of the Syriac Roman Ritual, *Ordo Chaldaicus Ministerii Sacramentorum Sanctorum, quae perficiuntur a sacerdotibus juxta morem Ecclesiae Malabaricae, Superiorum permissu editus*, came into light.<sup>93</sup> In addition to the aforementioned sacraments, this book also contained some other ceremonies, sacramentals and blessings, all of which were translated from the Roman liturgical books.

The *Ordo*, despite the appellation *Chaldaicus*, was a mere translation of the Roman Ritual in vogue in the Archdiocese of Braga in Portugal with a few variations, but it did not contain any Syro-oriental or Indian element. In the course of time almost all the sacramentals, paraliturgical ceremonies and popular devotions were conducted with Roman liturgical books translated into Syriac, sometimes with minor local adaptations.<sup>94</sup> The Indian

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92 Cf. P. J. Podipara, *Ritus et Libri Liturgici Syro-Malabarici*, Thevara 1933, 19 & 35; E. Tisserant, *Eastern Christianity in India*, 183; J. Vellian, “The Synod of Diamper and the Liturgy of the Syro-Malabar Church”, 190.

93 In addition to the title, we can find the following information in Latin language: *Superiorum permissu editus, Romae: Typis Sacrae Congregationis de Propaganda Fide; Nihil obstat Franciscus Mehaseb Maronita. Imprimatur Fr. Dominicus Buttaoni O. P. S. P. A. M. Imprimatur Joseph Canali Archiep. Colossen. Vicesgerens.*

94 For details, P. J. Podipara, *Ritus et Libri Liturgici Syro-Malabarici*, 12-58.

Eastern Christians of the Syro-Malabar Church celebrated the sacraments and sacramentals according to the Roman Ritual in Syriac language until the publication of the Syro-Malabar Ritual of 1968 in Malayalam, which began to be used for liturgical celebrations from the beginning of 1969.<sup>95</sup>

In fact, the East Syrian theology, liturgy and discipline of the sacraments were completely replaced by those of the Roman tradition. The three sacraments of Christian initiation, Baptism, Chrismation with Holy Myron (confirmation) and Eucharist were completely separated according to the Latin discipline of the XVI century, thus jeopardising the intrinsic and profound unity existing between them. The confirmation became a completely independent and autonomous sacrament administered only by the bishops with the rites and ceremonies of the Roman Pontifical. In the course of time there happened also the reversal of the original and authentic order of the administration of the sacraments of Christian initiation, conferring the Holy Communion to children before receiving the confirmation: the baptism began to be administered not later than the eighth day after the birth of a child by a priest, the Holy Communion at the age of reason and the confirmation at the early adolescence, awaiting the pastoral visit of the bishop in the parish.<sup>96</sup>

### **3.1. Compilation and Publication of Ritual 1968**

After the reform of the *Qurbana*, the aforementioned special liturgical commission of the Congregation for the Eastern Church consisting of Alphonse Raes SJ, Cyril Korolovsky and Placid Podipara CMI set up in 1954 continued their work on

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95 *The Liturgy of the Syro-Malabar Church: Sacraments* (Malayalam), Ernakulam 1968.

96 For details and documentation, see P. Pallath, *Unity of Christian Initiation with Special Reference to the Syro-Malabar Church*, Bangalore 2016, 109-128.

the restoration of the Ritual. In fact the commission prepared draft texts for the celebration of all the sacraments based on East Syrian and Malabar sources. On 17 November 1965, desiring to restore the sacramental rites of the Syro-Malabar Church, the 'Congregation for the Eastern Church' sent to Archbishop Joseph Parecattil, the president of the then Syro-Malabar Bishops' Conference, the draft-Latin texts of the sacraments of penance, anointing of the sick and marriage, prepared by the liturgical commission. Some explanations and a Malayalam translation by Fr. Placid Podipara were also included.<sup>97</sup> The Syro-Malabar Bishops' Conference held at Ernakulam on 10 February 1966 asked the Central Liturgical Committee to study the text in detail; a request was made to the Holy See to send the remaining texts of baptism and confirmation. On 5 March 1966 the Congregation sent to the Archbishop the draft-Latin texts of the sacraments of Christian initiation together with a Malayalam translation and some explanations.<sup>98</sup>

Since the main problem concerning the restoration of the sacramental liturgy was the question of the unity of Christian initiation, it will be specially considered. Though the *Order of Holy Baptism according to the Use of the Syro-Malabar Church*, provided by the Eastern Congregation,<sup>99</sup> was much simplified and shortened in tune with the Syro-Malabar liturgical tendency, it contained all the essential elements of Syro-Oriental Christian

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97 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 110.

98 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 110; T. Mannooramparampil, *The History of the Formation of the New Text of the Sacraments in the Syro-Malabar Church*, Kottayam 2011, 14-16.

99 Cf. Sacra Congregatio pro Ecclesia Orientali, *Ordo Sancti Baptismi secundum usum Ecclesiae Syro-Malabarensis* (manuscript), Romae 1966; the text can be found in the Archives of the Dicastery for the Congregation for the Eastern Churches and in the Archives of the Syro-Malabar Major Archiepiscopal Curia; a copy is also kept in the personal Archives of Paul Pallath in Rome, file: *Liturgy-Documents*.

initiation: the initial part beginning with the traditional angelic hymn, “Glory to God in the highest”; continuation of the ceremony with psalms, hymns and sacerdotal prayers, imposition of hands and first signing, liturgy of the Word with the traditional readings, the consecration of oil and water in each baptism, the anaphoral structure of the central part of the rite, pre-baptismal anointing, baptism by triple immersion, imposition of hands and the post-baptismal anointing.<sup>100</sup>

Although the rite was simply entitled the *Order of Holy Baptism* according to the East Syrian tradition, without any explicit reference to the sacrament of confirmation, the said sacrament was also to be conferred in one and the same liturgical celebration according to the genuine Eastern tradition. In fact the last part of the rite given by the Congregation, namely the post-baptismal laying on (imposition) of hands with its accompanying prayer and anointing with holy myron constituted the sacrament of confirmation.<sup>101</sup> Hence the intention of the Eastern Congregation was to fully reinstate the unity of the sacraments of Christian initiation in the Syro-Malabar Church, conferring the sacraments of baptism, confirmation and Holy Communion in the traditional order in one and the same liturgical celebration. This is also evident from the explanatory notes of the Roman liturgical commission dated 2 March 1966:

Today the same Commission presents the restored rite of two sacraments, baptism and confirmation, which in Orient are celebrated in one sole ceremony and there the mode of giving it and communion outside the Mass are added.<sup>102</sup>

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100 Cf. Sacra Congregatio pro Ecclesia Orientali, *Ordo Sancti Baptismi*, 9-13.

101 Sacra Congregatio pro Ecclesia Orientali, *Ordo Sancti Baptismi*, 12-13.

102 English translation of the Italian original in T. Mannoorampampil, *The History of the Formation of the New Text of the Sacraments*, 18.

Archbishop Joseph Parecattil, the then president of the Syro-Malabar Bishops' Conference judged that the Roman text had no normative character or obligatory nature. Interpreting the covering letter of the Congregation, attached to the text, Archbishop Parecattil concluded:

The Congregation had desired that the Syro-Malabar Bishops' Conference study this document carefully and send their comments thereon. They never wanted the rituals on the sacraments be implemented here exactly as they were sent.<sup>103</sup>

He confirmed: "Rome had not directed that the texts should be used as such. If so, no discussion on it would have been necessary. We would have used the Malayalam translation sent from Rome, or made a fresh translation from the Latin text".<sup>104</sup> Hence the text provided by the Eastern Congregation, which corresponded to the spirit of Syro-Oriental tradition was not considered normative or obligatory by Archbishop Parecattil.

### **3.2. Preparation and Promulgation of the Syro-Malabar Ritual (1966-1969)**

In accordance with the decision of the Bishops' Conference held on 10 February 1966 the Central Liturgical Committee (CLC) was entrusted with the task of studying the Roman texts and preparing the ritual. The CLC sent the draft prepared by a subcommittee to the diocesan liturgical committees and some of their observations and suggestions were integrated into the text. Although a few committees and subcommittees were formed, for some reasons none of them functioned well.<sup>105</sup> Finally, Fr Abel CMI was entrusted with the task of touching up the text

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103 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 110.

104 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 111.

105 For details, T. Mannoorampampil, *The History of the Formation of the New Text of the Sacraments*, 20-25 & 31-35.

and supplying the hymns.<sup>106</sup> The Malayalam text finalized by Fr Abel CMI was printed in December 1968 and was published as the Ritual of the Syro-Malabar Church, which began to be used for the celebration of sacraments from the beginning of 1969.<sup>107</sup>

The book did not contain any introduction or preface, nor any decree of approval or promulgation. Although the *imprimatur* of some bishops were collected by Fr. James Chaveli, the then convener of the CLC, the text was not presented to the Syro-Malabar Bishops' Conference as a body, nor did it obtain its approval.<sup>108</sup> The text prepared only in Malayalam was not sent to Rome for approval, but on 16 December 1968 a report was sent about the publication of the book. Archbishop Parecattil writes:

On 16 December 1968 I formally sent to Rome a report on the publication of the liturgical book on sacraments and the steps I had taken to get it published. Rome made no adverse comments at all.<sup>109</sup>

Obviously, “adverse comments” could not be made, since the text, compiled only in Malayalam, was not forwarded to Rome, but only a report was sent. In any case the new Ritual began to be used for liturgical celebration from January 1969, without any approval of the Apostolic See, which was at that time the unique authority competent for such a juridical act since at that time the Syro-Malabar Church existed as two simple metropolitan Churches, similar to the metropolitan provinces of the Latin Church.

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106 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 111.

107 *The Liturgy of the Syro-Malabar Church: Sacraments*, Ernakulam 1968, reprint Ernakulam 2000; the complete text is found only in Malayalam.

108 Cf. J. Parecattil, *Syro-Malabar Liturgy as I See It*, 112; T. Mannoorampampil, *The History of the Formation of the New Text of the Sacraments*, 34.

109 J. Parecattil, *Syro-Malabar Liturgy as I See It*, 112.

After some general and particular explanations on the sacraments (6-8), the new Ritual contained the rites of the sacraments of baptism (9-22), confirmation (23-37), anointing of the sick (38-48) and matrimony (49-66). The sacrament of reconciliation was not included in the book, but was printed in a separate sheet. Five appendices were included: the blessing of the oil of catechumens (67-68), the blessing of the oil for the anointing of the sick (68), the rite of administering baptism and confirmation to those who are in danger of imminent death (69), the promise of matrimony (70) and an exhortation that could be read during the celebration of matrimony instead of a homily (71-72). Generally the matter and form of all the sacraments were substantially maintained as determined by the Synod of Diamper and as found in the Roman Syriac Ritual of 1775 and other subsequent editions.

As already stated, the Eastern Congregation furnished only one single rite, entitled the *Order of Holy Baptism* for the administration of the sacraments of Christian initiation, but the Syro-Malabar Church produced two completely separate rites, independent and autonomous orders: one for the celebration of baptism and the other for the administration of confirmation.<sup>110</sup> In brief, complete separation of the sacraments of Christian initiation continued as established by the Synod of Diamper in 1599. As regards the introductory ceremonies and the liturgy of the Word these texts depended on the experimental Order of *Qurbana* published in 1968, and hence manifested some of its characteristics.<sup>111</sup>

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110 Cf. *The Liturgy of the Syro-Malabar Church: Sacraments*, 9-22 & 23-37. I have published an Italian translation of these texts; see P. Pallath, *Iniziazione cristiana nella Chiesa siro-malabarese: liturgia, teologia, storia e riforma*, Roma 2011, 193-214.

111 Cf. *The Order of Qurbana of the Syro-Malabar Church* (1968), 1-12.



In the rite of baptism itself some essential ceremonies and rites were omitted or rendered optional such as the traditional first anointing, consecration of oil, consecration of water (optional), baptism by immersion (prohibited).<sup>112</sup> The autonomous and independent rite of confirmation was a fully fledged rite with introductory ceremonies, liturgy of the word, liturgy of the sacrament and concluding rites.<sup>113</sup>

### **3.3. Approval of the Synod of Bishops for a New Ritual (1993)**

Both the Second Vatican Council and the Code of Canons of the Eastern Churches obliged the Syro-Malabar Church to undertake a real reform of the liturgy and the discipline of the sacraments of Christian initiation to re-establish at least a joint celebration of the sacraments of baptism and confirmation, also to avoid the disordered practice of administering Communion before confirmation.<sup>114</sup> The Synod of Bishops, held from 22 November to 4 December 1993, examined the final draft of the sacraments of baptism and confirmation prepared by the liturgical commission and approved them with a few modifications. Regarding the important question of the joint administration of the sacraments of initiation in the report of the Synod it is stated:

[...] As regards the joint administration of the three sacraments of initiation the final decision was to administer baptism and confirmation together, while the Holy Communion was to be administered separately for the time being. For the missions, however, a certain amount of freedom was left in the joint administration of baptism and confirmation. Regarding the rite of baptism of adults

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112 For details, P. Pallath, *Unity of Christian Initiation*, 214-218.

113 P. Pallath, *Unity of Christian Initiation*, 219-222.

114 See P. Pallath, *Unity of Christian Initiation*, 149-153 and 179-189.

a considerable amount of freedom was left to the local hierarchs. The text was approved by the Synod with the proposed modifications. It was also decided not to re-open discussion on the text.

The rite of confirmation was prepared in such a way that it could be administered either jointly with baptism or separately. It was pointed out that a separate text was necessary taking into consideration the circumstances where baptism may be administered separately as well as the fact that there are many children who are baptised but yet to be confirmed. The text of confirmation also was approved with modifications and with the decision not to re-open discussion on it.<sup>115</sup>

After many studies, discussions and assessments, on the fundamental question of the unity of the sacraments of initiation the Synod practically left freedom of choice, granting the possibility to administer baptism and confirmation together or separately. However, it even prohibited giving Holy Communion to newly baptised children, desiring to continue the administration of Communion at the age of reason, stipulating that the “Holy Communion was to be administered separately for the time being”.

The Synod held from 7 to 23 March 1994 approved the draft texts of matrimony, reconciliation and anointing of the sick as well. In the synodal report it is stated: “[...] the draft texts of the Sacraments of Reconciliation, Marriage and Anointing of the Sick were approved without substantial changes. In the case of the Sacrament of Reconciliation it was decided to compose a shorter form for emergencies and to integrate the proposed text in a longer text to be used for penitential service”.<sup>116</sup>

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115 *Synodal News*, no. 2 (February 1994) 6.

116 *Synodal News*, no. 3 (May 1994) 9.

Thus in this assembly the Synod definitively approved the Syro-Malabar Ritual containing all the sacraments, evidently with the exception of the Eucharistic liturgy and holy Orders. After incorporating the modifications made by the Synod, the draft texts of the sacraments were published in *Synodal News*, with the indication that they would become official texts only after the approval of the Holy See.<sup>117</sup>

The proposed Ritual contained three kinds of ceremonies for Christian Initiation: 1) the rite of baptism of children together with confirmation; 2) the rite of baptism of adults together with confirmation and 3) a completely separate and autonomous rite of confirmation.<sup>118</sup> Practically, providing this completely separate rite of confirmation, the joint administration of the sacraments of baptism and confirmation became only an option and those who wanted to continue the former praxis could have easily done so. The Holy Communion should have been administered to children at the age of reason according to the aforementioned decision of the Synod and therefore no indication was given with regard to this. Notwithstanding the teaching of Vatican II and the norms of the Eastern Code on the unity of the sacraments of Christian initiation, the Syro-Malabar Church practically tolerated the practice in force at that time for those who so desired, making only some slight adjustments and updating.

### **3.4. Re-establishment of the Unity of Christian Initiation in Fidelity to the Eastern Tradition (1997)**

On 25 November 1997 Mar Varkey Vithayathil, the then Apostolic Administrator of the Syro-Malabar Church, forwarded the English translation of the rites of the sacraments

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117 Drafts of the rites of the baptism and confirmation, in *Synodal News*, no. 2 (February 1994) 68-114; rites of reconciliation, matrimony and anointing of the sick, in *Synodal News*, no. 3 (May 1994) 30-69.

118 *Synodal News*, no. 2 (February 1994) 68-114.

to the Congregation for the Eastern Churches for “prior review” in accordance with canon 657 § 1 of the Eastern Code. After about three years, precisely on 31 March 2000 the Eastern Congregation responded to Mar Varkey Vithayathil, who was in the meantime promoted as the Major Archbishop (18 December 1999), proposing some modifications and changes designed to bring the ritual to the spirit of Eastern heritage in general and to the ethos of the East Syrian tradition in particular. The Major Archbishop was asked to inform the same Congregation of the reception of the amendments, in order that it might grant the due recognition.<sup>119</sup> Practically, the Congregation refused to grant the required canonical *recognitio* for the Ritual.

The main proposals of the Congregation concerned the Christian initiation of infants, namely the joint administration of baptism, confirmation and Holy Communion to them. About the Christian initiation of adults only a very few observations were made because in the proposed text the unity of the three sacraments was fully reinstated. In fact the Congregation asked the Synod to suppress the separate and autonomous rite of confirmation and to insert the sacramental liturgy of the same text beginning with the *karozutha* in the rite of baptism after the conferral of baptismal candle.<sup>120</sup> The scope of this provision was evidently to restore the one unique rite of Christian initiation and to ensure the unity of the sacraments of Christian initiation

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119 Congregatio pro Ecclesiis Orientalibus (Prot. N. 200/93) forwarding letter of 31 March 2000 and attached Observations can obviously be found in the Archives of the same Dicastery and of the Syro-Malabar Major Archiepiscopal Curia; a copy is also kept in the personal Archives of Paul Pallath in Rome, file: *Liturgy-Documents*. The Observations of the Congregation can also be found in T. Mannoorampampil, *The History of the Formation of the New Text of the Sacraments*, 55-62.

120 Congregatio pro Ecclesiis Orientalibus, *The Rites of Christian Initiation for Infants*, no. 15.

in a unique liturgical celebration during which the sacraments of baptism and chrismation had to be jointly administered.

About the separate rite of confirmation the Congregation made only a single statement as follows:

Nothing is said in a separate way concerning the proposed Rite of Confirmation, because no such rite *separate from the other rites of Christian Initiation exists* - nor will one be allowed to exist - in the authentic traditions of the Catholic East. Chrismation may be administered separately only when some emergency, unusual, or abusive and anomalous situation requires that Chrismation be “supplied” to a candidate who should have received the sacrament at Baptism but did not. In such cases the sacrament is administered as indicated above about Initiation of Infants/ Adults, omitting whatever pertains exclusively to Baptism, and always including the reception of the Eucharist under both species, as already indicated.<sup>121</sup>

There never existed a separate rite of chrismation or confirmation in any of the Orthodox Churches of Alexandrian, Antiochean, Armenian, Byzantine or Chaldean tradition. Among the Eastern Catholic Churches, besides the Syro-Malabar Church, also the Maronite Church had to accept a separate administration of confirmation in the sixteenth century because of Western pressure, but later it returned to the authentic Eastern tradition.<sup>122</sup> Even in the Chaldean Catholic Church a separate rite of confirmation never existed.

The only Eastern Catholic Church which maintained a separate rite of confirmation even after the Vatican II was the

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121 Congregatio pro Ecclesiis Orientalibus, *The Rites of Christian Initiation for Adults*, no. 9.

122 cf. E. Khalifé-Hachem, “Maronite Sacramental Theology”, in *Syriac Dialogue*, no. 4, Pro Oriente, Vienna 2001, 53-61.

Syro-Malabar Church. In addition to the restoration of the unity of Christian initiation the Congregation also prescribed some essential East Syrian elements of baptism: the traditional first anointing, consecration of oil and water in each baptism, preservation of the anaphoral structure, traditional manner of baptism by immersion as the first and preferred option as well as traditional East Syrian prayers and sacramental formulas.<sup>123</sup>

Regarding the Holy Communion of the newly baptized children the Congregation categorically asserted:

Immediately following the administration of Chrismation [...] rubrics are to be added to indicate that Holy Communion under both species always and without exception is to be administered to the neophyte(s) with the customary formula (unless the rite takes place during the Qurbana, in which case communion is administered first to the newly baptized at the time of communion, before all others communicate). This change, too, is obligatory and admits of no exceptions.<sup>124</sup>

The Congregation insisted that whether the baptism is celebrated with or without holy Qurbana the Communion should be administered to all the newly baptised whether adults or children. About the Communion of infants the Congregation gave the following special directive:

In the case of an infant too small to consume even a small particle of the consecrated Body of Christ intincted in the precious Blood, Holy Communion may be administered by the priest dipping a communion spoon or the index finger

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123 For details, P. Pallath, *Unity of Christian Initiation*, 239-240.

124 Congregatio pro Ecclesiis Orientalibus, *The Rites of Christian Initiation for Infants*, no. 19.

of his right hand into the Precious Blood and moistening the infant's tongue with it.<sup>125</sup>

These directives are in tune with the tradition of the other Eastern Churches which celebrate the sacraments of Christian initiation jointly in one and the same ceremony, irrespective of the age of candidates.

### **3.5. Reception of the Directives, Approval and Promulgation of the New Ritual**

The Synod of 30 October to 11 November 2000 discussed and evaluated the directives of the Congregation and decided to insert them in the text. The most fundamental of all the observations of the Eastern Congregation was to re-establish the unity of Christian initiation in the Syro-Malabar Church. According to the report of the Synod no objection was raised against this basic point.<sup>126</sup> However, the synod proposed to use the previously blessed oil in case of valid pastoral reasons, to render the first traditional anointing as optional and to maintain baptism by pouring water on the head as an option.<sup>127</sup> On 14 December 2001 the Major Archbishop sent the responses of the Synod together with the suggestions for amendments to the Congregation for the Eastern Churches, asking for *recognitio* in accordance with canon 657 § 1 of the Eastern Code. As already decided the whole amended text was not sent to Rome, but only the proposals of the Synod.<sup>128</sup>

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125 Congregatio pro Ecclesiis Orientalibus, *The Rites of Christian Initiation for Infants*, no. 20.

126 Cf. *Synodal News*, vol. 8, no. 2 (December 2000) 15; cf. also p. 32.

127 For details, P. Pallath, *Unity of Christian Initiation*, 244-245.

128 Cf. The concerned documents can be found in Mount St Thomas (Kochi), Archives of the Syro-Malabar Major Archiepiscopal Curia; a copy is also kept in the personal Archives of Paul Pallath in Rome, file: *Liturgy-Documents*.

With the letter of 22 June 2004 the Congregation granted the necessary canonical recognitio for the Syro-Malabar Ritual.<sup>129</sup> The Congregation accepted the proposals of the Synod to use previously blessed oil and to include baptism by pouring water on the head as a third option, but prescribed the traditional first anointing as obligatory.<sup>130</sup>

With the decree of 1 December 2004 the Major Archbishop promulgated *The Sacraments of the Syro-Malabar Church*, “to be effective from 6th January 2005”, declaring that “all other texts hitherto in use for administering the above-mentioned sacraments stand abrogated from 6 January 2005”.<sup>131</sup> The typical edition of the new Ritual in Malayalam contains the rites of: infant baptism and chrismation (confirmation), adult baptism and chrismation (confirmation), sacrament of reconciliation, sacrament of matrimony and sacrament of anointing of the sick.<sup>132</sup> An official English translation of the Ritual was published on 6 January 2007.<sup>133</sup> In this work our citations will be from the

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129 Congregatio pro Ecclesiis Orientalibus, letter of 22 June 2004 (Prot. N. 200/2003); Mount St Thomas (Kochi), Archives of the Syro-Malabar Major Archiepiscopal Curia; a copy is also kept in the personal Archives of Paul Pallath in Rome, file: *Liturgy-Documents*.

130 Congregatio pro Ecclesiis Orientalibus, *Corrections and Modifications to Be Carried out on the Revised Texts of the Sacraments in the Syro-Malabar Church*, 22 June 2004 (Prot. N. 200/93): Mount St Thomas (Kochi), Archives of the Syro-Malabar Major Archiepiscopal Curia; a copy is also kept in the personal Archives of Paul Pallath in Rome, file: *Liturgy-Documents*.

131 The decree of promulgation of the Major Archbishop can be found at the initial part of the Ritual and in *Synodal News*, vol. 12, nos. 1 & 2 (2004) 81.

132 *Syro-Malabar Sabhayude Qudasakal* (Malayalam, Commission for Liturgy), Mount St Thomas 2004.

133 *The Sacraments of the Syro-Malabar Church*, Mount St Thomas 2007 (English translation of the typical edition of 2004).



English text, but references to the Malayalam text will also be given in brackets.

Comparing the current Ritual with that of 1968, one can understand that it corresponds more to the Eastern heritage, and in particular to the East Syrian tradition. As in the case of the Latin Church, also the Syro-Malabar Church has fully re-established the unity of Christian initiation as regards adults; the sacraments of baptism and confirmation are conferred on them in a single liturgical celebration together with the holy *Qurbana*, at the end of which they receive also the first Holy Communion. However, at present there are not many adult baptisms in the Syro-Malabar Church both because of the common practice of infant baptism and because of the difficulties of conversions to Christianity from other religions due to socio-cultural, ideological and political circumstance in India.

Now we consider the unity of the Christian initiation of infants according to the new Ritual. After more than 400 years, the new Ritual, at least in theory, recognizes the unity of the sacraments of Christian initiation also regarding infants and the celebration of these sacraments in accordance with the Eastern traditions. However, the actual practice in some places does not always correspond to the spirit of the instructions, directives and norms given in the Ritual itself.

As we have seen above, the rite of Christian initiation of infants was formed by the addition of the sacramental part of the separate rite of confirmation at the end of the baptismal liturgy. Hence an autonomous rite of the sacramental part of confirmation-liturgy with a separate identity practically exists. Moreover, in the promulgated text, among the “General Instructions” of infant baptism and chrismation a general directive appeared, which had not obviously been found in the text submitted to the Congregation for prior review, also because it was not needed

since at that time a separate rite of confirmation was included. The new directive reads:

Those who are not able to receive Chrismation along with Baptism may be anointed, using the text in this book starting with *karozutha* (page no 47). The introductory prayers and the Liturgy of the Word till *karozutha* are taken from the text of the Holy *Qurbana*".<sup>134</sup>

"Using the text in this book starting with *karozutha* (page no 47)" signifies the beginning of the rite of confirmation after the ceremonies of baptism. According to this directive, an autonomous and separate rite of confirmation can be obtained; the only difference is that the introductory ceremonies and the liturgy of the Word are substituted with those of the holy *Qurbana*. In other words, the introductory part and the liturgy of the Word are celebrated according to the Order of *Qurbana*,<sup>135</sup> then the sacramental part of confirmation is conducted according to the Ritual, starting with the special *karozutha* and ending with the "Our Father".<sup>136</sup> Afterwards, the *Qurbana* proceeds with the hymn of the Mysteries and the transfer and deposition of the gifts on the altar until the post-Communion thanksgiving prayer of the deacon.<sup>137</sup> For the concluding prayers and the final blessing, again the Ritual is followed.<sup>138</sup> Hence confirmation can

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134 *General Instructions, no. 15; The Sacraments of the Syro-Malabar Church*, 11 (Malayalam text, 3). In the Malayalam text this *karozutha* begins in page 42.

135 Cf. *The Syro-Malabar Qurbana: The Order of Raza*, 1-24 (Malayalam text, 1-54).

136 Cf. *The Sacraments of the Syro-Malabar Church*, 47-53 (Malayalam text, 42-49).

137 Cf. *The Syro-Malabar Qurbana: The Order of Raza*, 28-59 (Malayalam text, 58-120).

138 Cf. *The Sacraments of the Syro-Malabar Church*, 54-55 (Malayalam text, 50-51).

separately be administered on any day during the Eucharistic liturgy.

The Ritual, which restores the theological principle of the unity of the sacraments of Christian initiation, proposes as ideal the joint administration of the double sacrament of baptism and confirmation also to children. However, in practice an autonomous and independent rite of confirmation still exists in the Syro-Malabar Church. This is also evident from the fact that even the 1968 text, which proposed an autonomous rite of confirmation, also prescribed the celebration of the first part and the liturgy of the Word according to the Order of Qurbana, when confirmation was celebrated together with the Eucharistic liturgy.<sup>139</sup> Although this possibility was given on the pretext of providing for those who were already baptized but not yet confirmed before the entry into force of the new Ritual, in some places, as a rule, confirmation is always separately administered to infants at the age of discretion, according to the previous practice, relying on the aforesaid provision.

## Conclusion

At that time of the constitution of hierarchy in 1923 the liturgical, spiritual and ecclesial life of the Catholic St Thomas Christians was almost completely in harmony with the Western customs and traditions. In fact, the Syro-Malabar Church could be qualified as Western in culture, Roman in worship and East Syriac in language (except for the Pontifical in Latin). It was not possible to speak about any Eastern liturgical identity and heritage.

However, after a long period of liturgical syncretism, westernization and unauthentic manipulations, in the course of a century (1923-2023) under the paternal care of Roman Pontiffs

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139 Cf. *Particular Instructions for Baptism*, no. 4; *The Liturgy of the Syro-Malabar Church: Sacraments* (1968) 6.

and the accompanying guidance of the Congregation for the Eastern Churches, the Syro-Malabar Church has re-established the Eastern and East Syriac liturgical identity through a gradual and painful process of restoration and reform. In this article the present liturgical identity of the Syro-Malabar Church has been evaluated based on three main restored liturgical books: the Pontifical, the Missal and the Ritual. The canonically approved typical editions of these three liturgical books guarantee the basic liturgical unity in the entire Syro-Malabar Church anywhere in the world, ensuring communion among bishops, clergy, religious and other Christian faithful. For further enhancing the unity and communion in the Church all are obliged to conduct liturgical celebrations according to the directives, norms and rubrics contained in the typical editions, availing themselves only of the options permitted in them.

The heritage of the universal Catholic Church, being a communion of Churches, is enriched by the authentic traditions of each Church *sui iuris*. Hence the main contribution of the Syro-Malabar Church to other Eastern Churches and to the Catholic Church in general, is to remain authentically itself, preserving its Eastern liturgical identity and spiritual heritage, thus becoming a glittering jewel embellishing the divine “Spouse of Christ”. The Syro-Malabar Church, now being the main heir of the East Syriac liturgy, which enshrines the primitive apostolic liturgy of St Thomas, makes a unique contribution to the heritage of the Eastern Churches and to the universal Church by faithfully preserving its own liturgical tradition which is close to the religious and cultural heritage of Jesus Christ (semitic), steeped in sacred scripture and patristic teachings, and in harmony with the Asian-Indian religious ethos and cultural context, obviously permitting organic growth and spontaneous blossoming.



# Hierarchical Communion of the St Thomas Christian Church with the East Syrian Church

Sunny Kokkaravalayil sj\*

It is generally accepted that the patriarch of the East Syrian Church (ESC) had jurisdiction or power of governance in the ancient St Thomas Christian Church (STC) of India for several centuries until the synod of Diamper (1599).<sup>1</sup> However, some recent publications seem to raise doubt about the extent

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1 Abbreviations used in this study: ARSI - Archivum Romanum Societatis Iesu, CSCO – Corpus Scriptorum Christianorum Orientalium (series published by the Catholic University of Louvain and the Catholic University of America), DDC – Dictionnaire de droit canonique (R. Naz, ed., 7 vols., Paris, 1935-1965), ES – East Syrian, ESC – East Syrian Church, SO – Synodicon Orientale (J.B. Chabot, ed.&tr., Paris, 1902), STC – St Thomas Christian Church.

of that power or its real exercise.<sup>2</sup> In this study we would like to ask whether we can find some evidence for the power of the patriarch, and its exercise, in the STC. In order to answer this question, we make an overview of certain historical events which reveal the extent of the above-mentioned power and its exercise. The answer to this question will help us to affirm that his power was not limited to appointing and ordaining bishops for the STC.

It is true that the reality of possessing power of governance is distinct from exercising it. One who has canonical power may choose to limit its exercise to necessary situations; legitimate exercise of a power by a physical or juridic person alludes to its legitimate possession by the same person. In other words, if one does not have a power, one cannot legally exercise it, but one may not exercise it even if one possesses it. Throughout this article, this distinction is kept in mind, and we shall see that the limited exercise of power by the patriarch did not mean that he did not possess power. Another point that we keep in mind is that in Christian tradition, patriarch's power in a suffragan eparchy is limited with respect to the eparchial bishop of that eparchy, although at times in history we can find patriarchs who overused or abused their power in suffragan eparchies disregarding the power of those eparchies' eparchial bishops.

We presume that a reader of this article is familiar with the history of the ESC, which was present mainly in the

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2 For example, while acknowledging that the East Syrian patriarch was the canonical head of the STC, it is suggested that the patriarch “did not intervene in the administration of the Church, nor did he exercise any jurisdictional powers. His role was practically limited to the appointment and consecration of the Indian metropolitan.” See Paul Pallath, *The Catholic Church in India*, Changanacherry, 2019, 36; he held the same position in the earlier editions of the same book: see its editions of 2003 p. 11, of 2005 p. 11-12, and of 2010 p. 17.

Persian empire, most probably, from the first century. As two neighbouring Churches of apostolic origin, the ESC and the STC were in contact with each other from early centuries, which contact gradually grew, and the STC entered into hierarchical communion with the ESC for various reasons. Thus, after having made a few references to the ancient contacts between the ESC and the STC, we shall make an overview of the power of the ES patriarch which he usually exercised in the whole Church subject to him. Then, we shall see whether in history we can find some instances of his exercising power in the STC or concretely intervening in its administration. We analyse mainly the data obtained from previous studies, making conclusions on the patriarch's competence from the way in which he intervened.

The term *hierarchical communion*, used in this article, may need an explanation. By it, we mean that the STC's communion with the ESC permitted the latter's patriarch to exercise patriarchal power of governance in the STC as prescribed by law. The STC's communion with the ESC until the synod of Diamper was not the same communion which the Syro-Malabar Church has with the Chaldean Church today. Although today these two Churches are in mutual communion as two *sui iuris* Churches, the head of one of them cannot juridically intervene in the other. We prefer to avoid the term *hierarchical dependence* of the STC on the ESC, because the STC was a distinct Church even when the ES patriarch had power of governance in the STC; these Churches had separate origins and development. The STC was more than a mere metropolitan province or eparchy of the ESC; it had a special status. There are some evidences that at least at times, a delegation sent from the STC to the EST could elect a bishop.<sup>3</sup>

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3 See Georg Schurhammer, "Three Letters of Mar Jacob Bishop of Malabar 1503-1550," *Gregorianum* 14 (1933), 62-86, p. 62-63. Joseph the Indian was a member of such a delegation in 1490: see Antony Vallavanthara, *India in 1500 AD: the Narrative of Joseph the Indian*, Kottayam, 1984, 58, 80.

It is said, “Nevertheless, under the Persian Bishop[s] sent by the Catholicos of the East, the local autonomy of the Indian Church was to a certain extent continued through the office of the indigenous Archdeacon, mainly for the temporal and judicial administration in the Church.”<sup>4</sup> Thus, we think that the term *hierarchical communion* would express the STC’s relationship with the ESC better than the term *hierarchical dependence*.

## **Ancient Contacts between the two Churches**

The contact between the ESC and the STC is an established fact. With clear evidence, it is said “From times immemorial the Malabar coast had trade relations with the countries bordering on the Persian Gulf and the Red Sea, and the language of communication in this international trade was Aramaic in the early centuries of the Christian era. . . . using the same trade route and the same medium of communication, the Church established by Ap. Thomas in Malabar spontaneously began to keep in touch with the developments of Christianity elsewhere, especially, by reason of proximity, in the East Syrian Church of the Persian empire.”<sup>5</sup> Although scanty, we have some sources which hint at a certain amount of contact between the two Churches from ancient times (4th century and before). Some AD first-century reports show that Romans and Greeks had commercial relations with Malabar already before that century.<sup>6</sup>

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4 Jacob Kollaparambil, “Sources on the Hierarchical Structure of the St Thomas Christian Church in the Pre-Diamper Period,” in Bosco Puthur, ed., *The Life and Nature of the St Thomas Christian Church in the Pre-Diamper Period*, Kochi, 2000, 161-181, p. 166.

5 Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, Kottayam, 2015, 256-257.

6 For commercial contacts between India, especially Muziris (Cranganore) port and the West, see the first-century AD work *The Periplus of the Erythrean Sea*, ed. & tr. Wilfred H. Schoff, Delhi, 1911, reprint 2011, nn. 53-56, p. 43-44.



It seems that already before the fourth century, there were some connections between the two Churches. According to the *Chronicle of Seert*, “During the time of Shahloupa and Papa, metropolitans of the Orient, and of Stephen the patriarch of Rome, lived the following eminent doctors ... David, bishop of Basrah, left his see, and went to India where he converted very many persons [in late 3rd and early 4th century].”<sup>7</sup> We are not certain whether he went to Malabar; however, given the active commercial sea-routes, and communications between Kodungalloor and West Asia, his coming to Malabar remains a possibility.

According to Gelasius Cyzicenus, one bishop Mar John of Persia attended Nicaea I (325) and was commissioned by the council to communicate its symbol of faith and constitutions to the Churches of Persia and Great India.<sup>8</sup> Jacob Kollaparambil identified Mar John as the bishop of Arbel (316-345) of the East Syrian Church.<sup>9</sup> According to the *Chronicle of Arbela*, he left his see in 328, went to the Beit Huzaye region in order to attend to the affairs of the Church. He remained in Beit-Huzaye until Sapor II issued his first edict of persecution in AD 339. Then he returned to his see, was imprisoned after Sapor II’s second edict of persecution in 344 and died a martyr at Beit Laphat on 1 November 345. This commission and his consequent activity are evidences of the contacts, which perhaps already existed, between the ESC and the STC.

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7 *Patrologia Orientalis* 4: 236, see also p. 292-293; Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 101.

8 Gelasius Cyzicenus, *History of the Nicaean Council*, Book II, chapters 27 and 36; PG 85: 1309-1310, 1343-1344.

9 Jacob Kollaparambil, “The Identity of Mar John of Persia and Great India who Attended the First Council of Nicaea,” in R. Lavenant, ed., VI *Symposium syriacum* 1992, Roma, 1994, 281-297, p. 294-295.

Knanaya immigration of the fourth century is one of the more established pieces of evidence for the contact between the two Churches. According to the available sources, a group of Christians belonging to the ESC from Mesopotamia, including a bishop and some clergy, migrated to Malabar in 345. This was an organised migration with the knowledge and blessing of the ecclesiastical authorities.<sup>10</sup> This incident would also give a hint to the introduction of the liturgy of Addai and Mari of the ESC in the STC, and most probably the beginning of the hierarchical communion between the two churches. The tradition agrees with the available information from the written records regarding the contact between these two Churches and regarding the further strengthening of that contact. At the time of the synod of Diamper, the faithful complained that the STC was severing its 1200-year long relationship with the ESC (see below for references), which is a hint to the origin of that relationship in the fourth century.

We have clearer evidences of contacts between these two Churches after the fourth century. From some sixth-century documents, we understand that together with merchants, travelling in the Arabian sea between West Asian countries and India, also monks belonging to the ESC used to travel between Mesopotamia and India.<sup>11</sup> Archaeological research has

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10 The main sources are: the living tradition, Knai Thomman copperplate, ancient written history and the information contained in the ancient songs, etc. For the sources, see Jacob Kollaparambil, *The Babylonian origin of the Southists among the St Thomas Christians*, Roma, 1992, passim; id., *The Sources of the Syro-Malabar Law*, 102-104, 129-158.

11 Mingana, MS 252 f. 26b, see A. Mingana "The Early Spread ... India," *Bulletin of John Rylands Library* 10 (1926), 455; Iso Denha, *Liber Castitatis*, n. 78; P. Bedjan, ed., *Liber Superiorum ...*, *Liber Fundatorum Monasteriorum*, Paris, 1901, 487-488; R. Draguet, ed., *Commentaire du livre d'Abba Isaïe*, CSCO 326 (syr 144), 264; vol. 327 (syr 145), 203, Leuven, 1972; Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 110.

discovered the tomb of a monk from India in Jerusalem dating back to 6<sup>th</sup> or 7<sup>th</sup> century.<sup>12</sup> This latter information is not a proof for contact between the ESC and the STC. However, it is a hint at the relationship between India and West Asian countries, and as such it supports the sources on the contact between those Churches.

## **Power of the East Syrian Patriarch**

In order to understand the topic of this article, we make an overview of the general juridical competence of the patriarch of the ESC in the age of its ancient canons; it was mostly those canons which determined his power in the STC when it was in hierarchical communion with the ESC.

The title “patriarch” or “catholicos” was not a merely honorary title for the ES patriarch, power of governance was attached to it. Ancient ES canons bear witness to this fact. The basic principle behind those canons seems that the patriarch had the power over the whole ESC and he had the final word in decision-making. In the ESC, the patriarch was the supreme authority, and his power in different areas of the Church administration was rooted in this position. The title *pater et caput*, used to address him in various canons, was attributed to him because of this supreme position. Often, he exercised supreme legislative, judiciary and executive power.

The synod of Mar Isaac (410) decided that the bishop of Seleucia-Ctesiphon would always be considered the great metropolitan and the head of all the bishops (SO 254-255, 256, 257, 258, DDC 3: 301, 303). His position was considered

12 John Binns, *The T&T Clark History of Monasticism: the Eastern Tradition*, London, T&T Clark, 2020, 87; His source is A-M. Schneider, “Das Kloster der Theotokos zu Choziba im Wadi el Kelt,” *Römische Quartalschrift für Christliche Altertumskunde und für Kirchengeschichte* 39 (1931), 297-332.

instituted by God (synod of Mar Ishoyahb I in 585, c. 29, SO 419-420, see also the synod of Mar Ezekiel in 576, c. 13, SO 379). Although rarely did synods teach explicitly on the divine establishment of the patriarch's authority, the East Syrian Church constantly held this doctrine.

The synod of Mar Dadisho (424)<sup>13</sup> decided that all bishops shall subject themselves to the patriarch, and shall obey him, that is to say, no appeal was permitted against the decisions of the patriarch. Similarly, against the patriarch no one would be permitted to convoke or hold a synod (SO 295-296).

In 576, the synod of Mar Ezekiel, while describing the importance of the hierarchy and its instructions, established that the orders given by the authority should be respected by the subjects. It laid down: "Likewise, those things decreed and established by the patriarch none of the metropolitans or bishops are allowed to transgress or to annul – not even one of them – for it is the heavenly order. For all members are beneath the head, and all give heed to it, and it manifests its anxiety and care for all of them. However, above the head there is not one except the Maker of the head and of all the members" (c. 13, SO 379-380). This canon attributed a fundamental authority to the orders from the patriarch, because of his supreme position in the Church. The same synod declared that all power in the Church was under the authority of the patriarch, and the others who held power in the Church received it from him. From the patriarch "was generated both sacramental orders and ecclesiastical jurisdiction for the entire Church."<sup>14</sup> The synod decreed, "Since the title 'patriarch' is translated 'father of rulership', and all ecclesiastical authorities

13 William Macomber, *The Vicissitudes of the Patriarchate of Seleucia-Ctesiphon from the Beginning to the Present Day*, *Diakonia* 9 (1974), 35-55, p. 36-37.

14 William Macomber, *The Authority of the Catholicos Patriarch of Seleucia-Ctesiphon*, Roma, 1968, 192.

are beneath him and from him receive the power and authority to become heads and rulers, it is right that in all the churches in the land ... his name should be proclaimed in the litanies of the liturgy” (c. 14, SO 380).

In connection with the same matter, preventing the interference of bishops in the dioceses other than their own, the synod of Mar Ezekiel (576) decreed: “None of the metropolitans or bishops shall be allowed to make an enactment or issue orders in matters of administration in the concerns of his fellow bishop, either in his lifetime or at his departure, unless he is so commanded by the patriarch” (c. 22, SO 383). The prescription leaves room for the patriarch, as the supreme authority of the Church, to ask a bishop to intervene in necessary situations. The metropolitans of a province had immediate authority over the bishops of the province. The metropolitan himself, instead, was directly under the authority of the patriarch (synod of Isaac, c. 21, SO 272). The monks also were under the authority of the patriarch, just as the hierarchy and other faithful (SO 465). The synod of Mar Ishoyahb I (585) demonstrates clearly the patriarch’s authority towards bishops and metropolitans. Only with the written permission of the patriarch, the bishops of a province could suspend their metropolitan. If a metropolitan should suspend a bishop of his province without the permission of the patriarch, that metropolitan needed the support of all the bishops, or at least of the majority, of that province. The patriarch could permit a metropolitan to suspend a bishop even without the support of the bishops of the province. The patriarch himself needed the support of at least a bishop in order to suspend a metropolitan or a bishop who erred. He could do it even without a bishop’s support if there was urgency (c. 29, SO 419-421). This synod established that those who disobeyed the orders of the patriarch, whoever they were, would be condemned and deposed from their functions and order.

Since the patriarch was the supreme authority in the ESC, the highest obedience was due to him. Various synods taught the faithful, especially the hierarchy, on the need of total and unconditional obedience due to the patriarch, reminding that the patriarch himself was under obedience to God's will. Thus, his commands should be rooted in the divine will.

The power of the patriarch in the election and confirmation of bishops is worthy of special mention, because it seems that this was the power which he most frequently used in relation to the STC. He, as the father and head of the Church, had the right to ordain bishops and metropolitans or to confirm them if they had been ordained by other bishops or metropolitans (DDC 3: 303). Many canons of the ESC prescribed this norm explicitly. He had a decisive role in the erection of dioceses (the metropolitan also could do it), and in the election of bishops and metropolitans. Normally, he alone confirmed the newly ordained bishops and metropolitans. In exceptional cases, with his permission, other bishops or metropolitans could do it (synod of Mar Isaac cc. 1 and 20, Mar Joseph, c. 18, Mar Ezekiel, cc. 18 and 23, Mar George I, c. 3, etc.). The bishop of a diocese was normally elected by the bishops of the province, to which belonged the diocese concerned, and by the clergy and the faithful of that diocese (see synod of Mar Joseph, c. 4, SO 357). The synod of Mar Ezekiel (576) maintained the norm that the bishops should be elected by the clergy and the laity of the diocese, with the help of the bishops of their province (c. 23, SO 383). The synod of Mar Isaac (410) established that the patriarch would confirm the newly ordained bishops at presenting themselves to him with the letter of the ordaining bishops (c. 1, SO 263, also c. 20 on p. 271). The same synod prescribed that before the newly ordained bishop was confirmed by the patriarch, the metropolitan of the province had no jurisdiction over that bishop (c. 20, SO 271). Various canons

of the synod of Mar Ezekiel (576) dealt with the question of ordination and confirmation of bishops and metropolitans. The synod established that after the election of a new metropolitan or a bishop, the patriarch should be *informed* of the election within four months (c. 23, SO 383). Here we may note that the patriarch is only to be informed of the election. As for the ordination, the bishops were ordained with the consent of metropolitans or of the patriarch, and metropolitans were ordained by the patriarch or by other bishops with the consent of the patriarch (c. 18, SO 381). Immediately after the ordination, the newly ordained metropolitan or bishop should visit the patriarch to honour him and to be confirmed by him (c. 19, SO 381-382). The synod of Mar George I (676) decreed that a bishop was to be ordained with the knowledge and permission of the patriarch (c. 3, SO 483-484).

Confirming the newly ordained bishops belonged to the patriarch as the supreme authority in the Church. As we have seen above, various synods dealt with this topic and confirmed this norm. This was useful, to some extent, to keep away abuses and undue external intervention in the appointment of bishops.

Although, the patriarchs exercised mostly executive power, it seems ES patriarchs exercised, at least on certain occasions, also judicial and legislative powers. Who was the supreme legislative authority in the ESC: the synod or the patriarch? Obviously, the patriarch exercised vast legislative power. The ESC had accepted the ancient canons of the ecumenical councils and of the local synods like Ancyra, Cesarea, Antioch, etc. (canons of Mar Aba I, SO 555-556, Mar Joseph c. 22, SO 365, etc.). Many of those canons prescribed the regular gathering of bishops' synod (Ap. Canons c. 34, Antioch c. 9, etc.) in order to deal with the affairs of the Church, including legislation. Thus, we can assume that the ESC, in accordance with the prescriptions of the ancient canons,

respected the role of the synod also in legislation; but often this power of the synod was exercised by the patriarch. However, certain synodal acts make us understand that the synod had also power in legislation; and at times the synods legislated against the abuses of patriarchs. It seems that the patriarch normally exercised great power, but when he was found abusing it, the synod controlled him. In the same way, the synod of Mar Babai (497) declared that the bishops of the Church would adhere to all what the patriarch did in fear of God (SO 313). In such cases the bishops seem to give the patriarch the synod's legislative power to be exercised in normal situation, and the synod exercised the supreme legislative power when it was found necessary to check the abuse of power by the patriarch.

We have a few sentences issued by patriarch Hnanishò I,<sup>15</sup> which make us assume that the patriarch exercised also judicial power. The power to receive appeal in the final grade implied that the decision of the patriarch on specific cases would be final, and that his judgement had to be respected by all parties. That was why the synod of Mar Ishoyahb I (585) decreed that neither bishops nor metropolitans should oppose the anathema established by the patriarch, neither could they mitigate it without the patriarch's permission (c. 29, SO 421). Another aspect of the office of the supreme judge of the Church was the power to impose suitable punishment on the wrong-doing faithful and to absolve them. The patriarch could punish even the bishops. He had the power to depose metropolitans and bishops who did not obey canons, and to fill the vacant see (synod of Mar Isaac, c. 17, SO 269-270). The metropolitan had this power which he could exercise with the consent of two bishops (DDC 3: 303). Often such penalties were prescribed for violating the canons and ecclesiastical traditions. In some cases, appeal

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15 Eduard Sachau, ed., *Syrische Rechtsbücher*, Berlin, 1907, book 2, 2-51.



was possible against the decisions of the patriarch. Even if the patriarch suspended someone unjustly (e.g., a metropolitan), the suspension should remain. The suspended could appeal to the general assembly. The assembly's decision should be implemented (synod of Mar Joseph, c. 23, SO 365; Mar Aba I, c. 39, SO 561). Here the decision of the general assembly, after examining the appeal, was considered final, even if it was against the decision of the patriarch. Similarly, the synod of Mar Joseph (554) reserved to itself the authority to punish those who did not observe the canons of the Church (c. 22, SO 365). These synods did not recognise the absolute authority of the patriarch in certain instances. Thus, the decision in the synod of Mar Dadisho (424) that against the verdict of the patriarch there was no appeal, knew certain exceptions in the history of the ESC.<sup>16</sup>

As we have seen above, in the canons of the synod of 410, the primacy and jurisdiction of the see of Seleucia-Ctesiphon was recognised (e.g., cc. 6, 12, 13, 21). His authority consisted mainly in convoking synods, demanding obedience from the faithful, ordaining metropolitans, confirming bishops and metropolitans, being the supreme legislator and judge in ordinary situations, constituting tribunals, being the supreme administrator of temporal goods, founding monasteries, and the like. The authority of the patriarch was part of his power of governance, and his primacy was not merely of honour. "Thus, we see that at the very outset of the canonical life of the Chaldean Church a power of jurisdiction is given to her head that can only be described as papal in scope. He has full authority to command

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16 An excursus: it is interesting to note that in the East Syrian tradition, there was the ministry of absolution of sins, individual confession, idea of sin as disease and penitence as medicine, etc. (synod of Ishoyahb I, cc. 6 and 11, SO 434 and 438). These canons were enacted in 585, more than a century before the council in Trullo (in 691), which conceived sin as disease and adequate penance as suitable medicine (see its c. 102).

even a general synod. Subsequent synods, with rare exceptions, will confirm this power and indicate in greater detail specific applications of it.”<sup>17</sup> In spite of the ancient principle of the participation of the bishops in the election of the patriarch and in the decision-making and legislative process, the metropolitans and bishops were generally excessively subordinated to the patriarch (DDC 3: 329). The declaration of independence made in the synod of Mar Dadisho and the subordination of many later synods to the patriarch confirm this conclusion. Almost all the synods dealt with the patriarch’s power and no synod asked for its reduction.<sup>18</sup>

### **East Syrian Patriarch’s Power in the St Thomas Christian Church**

With a general overview of the power of the ES patriarch, presented in the section above, we can perhaps understand better the exercise of that power in the STC. Our general assumption is that he could exercise all those powers in the STC. We resort to historical facts, that is to say, we can identify certain instances of the exercise of that power in the STC. Those interventions are a confirmation of the hierarchical communion of the STC with the ESC, more specifically, of the juridical competence of the patriarch over the STC.

A sixth-century writing, *Christian Topography* of Cosmas Indicopleustes, refers to the presence of bishops, ordained in Persia, in the Christian communities in South India. It says, “Similarly into the country named Male, where pepper grows, and in the place called Kalliana, there is also a bishop ordained

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17 William Macomber, *The Authority of the Catholicos Patriarch of Seleucia-Ctesiphon*, 181-182.

18 This section summarises part of an article of mine published in Luigi Sabbarese, ed., *Opus humilitatis iustitia: studi in memoria del Cardinale Velasio De Paolis*, Città del Vaticano, 2020, vol. 1, 409-433.

from Persia.”<sup>19</sup> We do not know whether that bishop was of Persian origin and whether he belonged to the ESC. Whether he belonged originally to that Church or not, the fact of his ordination in Persia points to the STC’s hierarchical communion with the ESC. Moreover, his presence in the STC can be taken as a clear indication of a strong bond between the ESC and the STC, without such a bond the presence of bishops ordained in Persia in the STC cannot be explained. In addition, his ordination in Persia either by the ES patriarch himself or by a metropolitan subject to that patriarch is a confirmation of the patriarch’s power in the STC. As to where “Male, where pepper grows” was, we may lean on the testimony of an ancient book, namely, the first-century work *The Periplus of the Erythraean Sea*. This book refers to “Muziris by river and sea” which is a port of trade of “great quantity and bulk of pepper” (see *Periplus*, numbers 54 and 55). The manuscript of this *Periplus* was edited and published in 1911. Its editor, Wilfred H. Schoff, after detailed studies, confirms the previous studies that Muziris is doubtlessly identified with Kodungalloor, and that it was the port of the pepper trade mentioned by Pliny, and that pepper was widely cultivated in Malabar.<sup>20</sup> Thus, the expression “Male, where pepper grows” may be identified as the modern Kerala. Perhaps the name “Malayalam” was derived from Male-alam, the land of hills (which the Western missionaries named “Serra” meaning “mountain range”).<sup>21</sup> If this assumption is true, the presence of the above-mentioned bishop clearly testifies to the

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19 See the relevant parts of *Christian Topography* published in *Sources chrétiennes* 141 (1968), 502-503 and *Sources chrétiennes* 197 (1973), 342-343; see also Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 106-107.

20 See Wilfred H. Schoff, ed., *The Periplus of the Erythraean Sea*, 44-45, 205-208, and 213-216.

21 See Jonas Thaliath, *The Synod of Diamper*, Roma, 1958, reprint, Bangalore, 1999, 3 note 4.

close relationship between the ESC and the STC, which was well established by the 6th century.

From certain letters of patriarch Isoyabh III (ca 650), we get the information that the STC was a suffragan diocese of the metropolitan province of Riv-ardushir from where it used to get bishops, and that province belonged to the ESC. The patriarch wrote to metropolitan Mar Simon of Riv-ardushir reproving him for the occasional resistance of the see of Riv-ardushir to submit itself to the patriarchal see, and accusing that through that insubordination, Mar Simon “closed the door of episcopal ordination in the face of the many peoples of India.”<sup>22</sup> Most probably, it was Ishoyabh III who detached the STC from the metropolitan province of Riv-ardushir, and made the STC a metropolitan see directly dependent on the patriarchal see of Seleucia-Ctesiphon in the 7th century.<sup>23</sup> This intervention of the patriarch is a clear evidence that he exercised power in the STC.

From various letters of patriarch Timothy I (780-823), we know that patriarchs used to give to the STC laws or legally binding decisions. Among them, there were liturgical laws/decisions (against the Monophysite addition to the Trisagion), disciplinary law on various matters such as a) the presumed death in which case the living spouse could not remarry until

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22 See Ishoyabh III's relevant letter in Rubens Duval, ed., *Liber epistularum* (CSCO syr. 12, series secunda, t. 64), Parisiis, 1905, 182 (letter n. 14), see also p. 186 (letter n. 16); Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 111.

23 W.G. Young, Patriarch, *Shah and Caliph: A Study of Relationships of the Church of the East with the Sassanid Empire and the early Caliphates up to 820 A.D.*, Rawalpindi, 1974, 41-44, 98-99; Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 114; See also Sebastian Brock, “Thomas Christians,” in Sebastian Brock and others, eds., *Gorgias Encyclopedic Dictionary of the Syriac Heritage*, New Jersey, 2011, 410-414, p. 411.

certitude was established about the death of the other spouse, b) on the obligation to present the metropolitan-elect first to the patriarch and only then to the local king, c) on the qualities required of a bishop, d) on the prohibition of bishops to ordain metropolitans, e) on penal law, etc.<sup>24</sup> Thus, we can legitimately assume that patriarchs exercised legislative power in the STC, and intervened when needed.

One of Timothy I's letters "shows that the Indian Christians had to consult not the local king, but the patriarch regarding the election of the metropolitan – who was then elected by the people in the presence of the other Bishops – and that only after getting the confirmation from the Patriarch they were allowed to refer the matter to the king."<sup>25</sup> We are not sure whether the elected bishops were Indians or East Syrians. According to an account of Joseph the Indian, a delegation of the STC used to go to Persia to elect their bishops from there.<sup>26</sup> In any event, this decision had legal force, and it is a clear proof of the patriarch's power to give such decisions to the STC.

Patriarch Theodosius (853-858) exempted the bishops of distant sees such as China and India from the obligation to attend the synod; instead, he asked them to send sexennial letters and the contribution to the patriarchal see. In those letters those

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24 Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 116-121.

25 Andrews Thazhath, "Response [to the paper of J. Kollaparambil, 'Sources on the Hierarchical Structure...']," in Bosco Puthur, ed., *The Life and Nature of the St Thomas Christian Church in the Pre-Diamper Period*, Kochi, 2000, 182-187, p. 184. Footnote 6 in the original reads, "Ibn At-Tayyib, *Fiqh an-Nasraniya (Das Recht der Christenheit)*, ed. & tans. by W. Hoennerbach & O. Spies, CSCO, vol. 167 (Arabia 18), pp. 118-119, Podipara op.cit. [*The Thomas Christians*] p. 66."

26 See Antony Vallavanthara, *India in 1500 AD: the Narrative of Joseph the Indian*, 58, 80. See also Georg Schurhammer, "Three Letters of Mar Jacob Bishop of Malabar 1503-1550," *Gregorianum* 14 (1933), 62-86, p. 62-63.

bishops had to express their communion with the patriarch and include information about matters of common interest in their places which require remedy.<sup>27</sup> In the ESC, there was a law on such letters (synod of Isaac, c. 18, SO 270). The patriarch, as the head of the Church had the right and duty to know what was taking place in the dioceses and provinces of the Church. The norm prescribed that the metropolitans should write to the patriarch regarding everything taking place among the bishops of the province. From such a norm, we can conclude that the STC was subject to the power of the ES patriarch.

We get an image of the honour given to the ES patriarch by the STC from the colophon of a manuscript copied in 1301, brought by Mar Joseph to Rome in 1569 and now kept in the Vatican library (MS *Vat.Syr.22*, ff. 93v-94). It contains the *epistularium* to be read at the celebration of the ES liturgy. Mar Yahballaha III was the patriarch when that colophon was written. It shows how highly the patriarch was considered in the STC. The relevant part is here:

When the great Governor, holding the government of the holy Catholic Church of the East, bright lamp illuminating its ends, i.e., father of fathers, our holy and blessed father, Mar Yahballaha V [sic, read Yahballaha III: 1281-1317] the Turk, the catholicos patriarch of the East, head of all parts of the world, the educating luminary that stands on the high pedestal of the Catholic Church, who illumines all her ranks and protects her pastors. May God give him life, and grant him length of days, that he may govern her for long time for her glory and the exaltation of the head of her children. Amen.<sup>28</sup>

27 Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 121-122.

28 Translation is in Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 127. Patriarch Yahballaha III was formerly known as Yahballaha V: see Sebastian Brock, "Thomas Christians," in Sebastian Brock and others, eds., *Gorgias Encyclopedic Dictionary of the Syriac Heritage*, 411. See

This colophon does not contain any legal text to demonstrate the patriarch's power in the STC. However, it conveys the information that the ES patriarch was the head of the STC, that the STC was in hierarchical communion with him, and that he exercised power of governance in that Church.

A time of great turmoil in the STC, the 16th century bore witness to various instances in which the ES patriarchs intervened in the STC exercising power of governance; those interventions were not limited to sending bishops to the STC. The following report shows that the patriarchs did have patriarchal powers in the STC and they exercised it when needed. "However, ever since Mar John Sulaqa of the East Syrian Church made a formal union with the Holy See of Rome in 1553 giving origin to a line of the East Syrian Patriarchs in the Catholic communion, the popes had repeatedly recognised and confirmed the right of these Patriarchs to appoint bishops for the St Thomas Christians of India.<sup>29</sup> And, as advised by Pope Pius IV in 1565, Patriarch Mar Abdiso bifurcated the Church of Malabar and appointed Metropolitan Mar Abraham to the See of Angamaly and Mar Joseph as the metropolitan of the other part. Mar Abraham was named the Superior of all the bishops and metropolitans ... in India."<sup>30</sup> Two clauses in this citation are worthy of our attention,

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also the article of J.P. Amar "Yahbalaha III" in *Gorgias Encyclopedic Dictionary of the Syriac Heritage*, 429.

- 29 Footnote 5 in the original reads "See the letters written by Pope Pius IV in favour of Mar Joseph and Mar Abraham in 1564/5, addressed to Patriarch Mar Abdiso, to the Archbishop of Goa and to the Bishop of Cochin: S. Giamil, *Genuinae relationes inter sedem apostolicam et assyriorum orientalium seu chaldaeorum ecclesiam* (Romae 1902), 69-73."
- 30 Jacob Kollaparambil, "The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians," in George Nedungatt, ed., *The Synod of Diamper Revisited* (Kanonika 9), Rome, 2001, 147-172, p. 150. Footnote 6 in the original reads "Mar Abdiso's letter to the Archbishop of Goa on 24.8.1567. The original in Syriac is preserved in

namely, “popes had repeatedly recognised and confirmed the right of these patriarchs to appoint bishops for St Thomas Christians of India” and “as advised by Pope Pius IV”. These expressions show that the pope was not granting any new power to the patriarch, but only recognising and confirming the power of the patriarch which already existed, and was advising him to use his power. John Sulaqa received episcopal ordination on 9 April 1553 in Rome.<sup>31</sup> Pope Julius III confirmed (on 28 April 1553 by the bull *Divina disponente clementia*) him as the patriarch of the Chaldean Church when he entered into communion with the Catholic Church, and it was also a confirmation of his power in the STC.<sup>32</sup>

In the above-mentioned intervention of Mar Abdiso, the ES Catholic patriarch, we can identify the exercise of the power of the patriarch in the STC. The two letters of Mar Abdiso, one to the archbishop of Goa and the other to the STC, communicate clearly that he exercised patriarchal power. In the letter to the archbishop of Goa (24 August 1567), he communicated the decision to bifurcate the STC into two dioceses and Mar Abraham and Mar Joseph would be their bishops, and that Mar Abraham would be the superior of all metropolitans and bishops.

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ARSI, *Gallia* 95-1, f. 197. See facsimile in J. Wicki, *Documenta Indica*, 11 (1970) p. 41\*; Italian translation in A. Rabbath, *Documents inédits pour servir à l'histoire du Christianisme en Orient II* (Paris, Leipzig 1910) 432-434.”

31 Giuseppe Beltrami, *La chiesa caldea nel secolo dell'unione* (*Orientalia christiana* 29), Roma, 1933, 6.

32 Samuele Giamil, *Genuinae relationes inter sedem apostolicam et assyriorum orientalium seu chaldaeorum ecclesiam*, 17; David Wilmshurst, *The Ecclesiastical Organization of the Church of the East, 1318-1913* (CSCO 582/subsidia 104), Lovanii, 2000, 22. For other letters of the popes confirming the power of the patriarchs over the Indian Church, see Andrews Thazhath, *The Juridical Sources of the Syro-Malabar Church*, Kottayam, 1987, 121-124.



In the letter to the STC (25 August 1567), he communicated that the synod of the Chaldean Church elected archdeacon George of Christ as the bishop of Palayur and that Mar Abraham was authorised to ordain him.<sup>33</sup> In addition to the election of a bishop, there is also the exercise of power of creating a new diocese (Palayur). This shows that the patriarch exercised his power not only to appoint and ordain metropolitans, but made more serious decisions such as dividing the STC into two (as far as we know, such a bifurcation took place for the first time in the history of the STC), appointing Mar Abraham as the superior of all bishops. The synod also exercised power vis-à-vis the STC by electing the archdeacon as the bishop of Palayur as suffragan to Mar Abraham. It was the patriarchal synod which elected archdeacon George of Christ as the bishop of Palayur and suffragan to Mar Abraham.<sup>34</sup> This also shows the power of the patriarch and of the synod in the STC. “Mar Abraham was authorised to do whatever was necessary for the Indian Church including the election and ordination of bishops.<sup>35</sup> In effect, Patriarch Mar Abdiso conferred super-metropolitan authority and autonomy on Mar Abraham, as the head of the Indian Church.”<sup>36</sup> The patriarch could not do it if he had no power to do it. This attests to his power in the real sense, not merely honorary.

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33 See the translation of these letters in Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 319-324, 556-559.

34 Jacob Kollaparambil, “The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians,” in George Nedungatt, ed., *The Synod of Diamper Revisited*, 150.

35 Footnote 7 in the original reads, “See Mar Abdiso’s decree dated 25-8-1567, nominating Archdeacon George of Christ as Bishop of Palayur: Portuguese translation in ARSI, Goa 10-11, f. 463: J. Wicki, *Documenta Indica*, 7 (1962), 703-705.”

36 Jacob Kollaparambil, “The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians,” in George Nedungatt, ed., *The Synod of Diamper Revisited*, 150.

It is true that Mar Abdiso, in his letter to the archbishop of Goa, says that he was dividing the Church into two as per the will of the pope.<sup>37</sup> However, as stated above, we can understand it as a confirmation of the power of the patriarch by the pope, and it was not the granting of a new power which the patriarch did not possess.

In the letter to the STC, the patriarch threatened the faithful who would not abide by his decision to make this division of the STC and appointment of the archdeacon as bishop. It stated: “And nobody shall presume to go against this our order, because this is ordered by the will of God, by whom the heaven and earth are sustained. And if anyone presumes to go against this, we shall have him for excommunicated and thrown out of the Church and communion of the faithful, until he will come with humility to ask pardon and do penance.”<sup>38</sup> His power to impose penal sanctions on all those who acted contrary to the decision communicated in the letter shows also that his power was not limited to appointing and ordaining bishops.

Besides, it seems that the patriarch made these decisions without asking any consent of the STC. This fact might be helpful to avoid exaggerated perception of the autonomy of the ecclesial system of governance of the STC. Although we can defend the relative autonomy of the STC, we cannot hold that it was an autocephalous Church. In this context, examining opinions such as the following may be useful: “... that the St. Thomas Christians were ‘governed’ by the Persian Bishops and that the Thomas Christians followed the ‘laws’ of the Persian Church seems to be historically inaccurate, misleading and hence Ute [useless]. The Syrian bishops respected their traditional indigenous

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37 See the letter in Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 320-321.

38 Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 322.

administrative system of the St Thomas Christians. ... The ecclesial set up of the Thomas Christians were [sic, read *was*] developed in the particular socio-politico-cultural milieu. It had three levels: 1. At the local level palliyogam, 2. At the community level Archdiaconate, and 3. At the hierarchical level metropolitan and patriarch. These three levels of their ecclesiastical system maintained and manifested their ecclesial communion.”<sup>39</sup> Respect of the traditional indigenous administrative system of the STC need not necessarily suggest absence of power of the patriarch or the local bishop. Even while defending the autonomy of the STC, the above-mentioned instances of the patriarch’s interventions in history does not permit us to conclude that that autonomy was total. The interventions of Mar Abdiso show that the patriarch held himself having the necessary power. His decisions were legitimate, although some of them were not implemented.

Certain decisions in the synod of Diamper can be helpful to strengthen our understanding of the patriarch’s power in the STC. In the liturgical books of the STC, the patriarch was addressed as universal pastor.<sup>40</sup> This evokes that the STC recognised him as the head and pastor of their Church and as having power in that Church. The reason for the commemoration of his name in the liturgy was that he was the supreme head of the Church, where he was the source of power (see the section above). The synod, in session 3, decree 8, condemns the practice of calling the patriarch as the universal pastor and head of the catholic

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39 Xavier Koodapuzha, “Response [to Mundadan’s paper ‘Sources for the History of the St Thomas Christian Church in the Pre-Diamper Period’],” in Bosco Puthur, ed., *The Life and Nature of the St Thomas Christian Church in the Pre-Diamper Period*, Kochi, 2000, 47-59, p. 53.

40 See Francis Ros, “Information about Mar Abraham archbishop of Angamale,” in Jacob Kollaparambil, *Sources of the Syro-Malabar Law*, 360, n. 7; see also Vat.Syr. 22 *ibid*, 127.

church.<sup>41</sup> When archbishop Menezes demanded that the faithful abjure the Chaldean patriarch as heretic and schismatic, they protested saying that their Church was governed by that patriarch for more than 1200 years.<sup>42</sup> Thus, in the synod of Diamper, the STC not only had to promise not to commemorate the patriarch, but also had to declare him heretic and sever his jurisdiction on STC.<sup>43</sup> Since the time of Mar Sulaqa, STC was in hierarchal communion with the Catholic patriarch of the ESC, and as we

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41 See the decree in Scaria Zacharia, ed., *The Acts and Decrees of the Synod of Diamper*, Edamattam, 1994, 93-94.

42 See this incident reported in Jacob Kollaparambil, "The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians," in George Nedungatt, ed., *The Synod of Diamper Revisited*, 147-172, p. 152 note 15, which reads "At the first time when Archbishop Menezes insisted that the Patriarch of Babylon should not be commemorated as the universal pastor, but must be regarded as a Nestorian heretic, excommunicated from the Roman Church ... and got a document to that effect signed by the Archdeacon at Vaipicotta, the people there protested 'More than 1200 years we have been governed by the Patriarch.' See A. Gouvea, *Jornada do Arcebispo de goa...* (Coimbra 1606) f. 30r [see Pius Malekandathil, ed.&tr., *Jornada of Dom Alexis de Menezes...*, Kochi, 2003, 124]; J. Hough, *The History of Christianity in India*, 1 (London 1839) 347. Session V, section II, decree 1 of the Synod of Diamper also speaks of the 1200 years of governance by the Babylonian Bishops over the St Thomas Christian Church: *Ibid*, 2, 583." The reference to 1200 years of ESC-STC connection would make us conclude that that connection began in the fourth-fifth centuries (see Jacob Vellian, "Pre-Diamper sources of the Syro-Malabar Liturgy," in Bosco Puthur, ed., *The Life and Nature of the St Thomas Christian Church in the Pre-Diamper Period*, Kochi, 2000, 60-84, p. 74-5). Jacob Kollaparambil, "The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians," in George Nedungatt, ed., *The Synod of Diamper Revisited*, 152.

43 On severing relationship with the patriarch, see Jacob Kollaparambil, "The Impact of the Synod of Diamper on the Ecclesial Identity of the St Thomas Christians," in George Nedungatt, ed., *The Synod of Diamper Revisited*, 149-150.

saw above, Mar Abdiso, a Catholic patriarch, intervened in the STC.<sup>44</sup>

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- 44 Synod of Diamper was not a reunion synod as triumphantly claimed by some Europeans like Antonio de Gouvea (see the original title of his book *Jornada do arcebispo de Goa dom Frey Aleixo de Menezes primaz da India Oriental ... quando foy as serras do Malavar, et lugares em que morão os antigos Christãos de S. Thome, et os tirou de muytos erros et heregias em que estando, et reduzio a nossa Sancta Fè Catholica, et obediencia da Santa Igreja Romana, da qual passana de mil annos que estauao apartados*, Coimbra, 1606. The translation of this title could be *The journey of the Archbishop of Goa, Dom Frei Alexis de Menezes, primate of East India, of the Order of St. Augustine, when he went to the serras of Malabar and to the places where inhabit the ancient Christians of St. Thomas, he brought them back from many errors and heresies, in which they were found and reduced them to our Holy Catholic Faith, and to the Obedience of the Holy Roman Church, from which they were separated for a thousand years*). STC was already in Catholic communion at least from the mid-sixteenth century when Mar John Sulaqa, the ES patriarch professed the Catholic faith (see above). But even before that time, the missionaries took for granted that communion, and they had free access to the STC churches to celebrate sacraments. In early sixteenth century, Alvaro Penteado, a Portuguese missionary, served in the church of the STC in Kodungalloor when the chief priest of that church was away on a pilgrimage to Mylapore. Penteado had no doubt that the STC were in Catholic communion, although he did not agree with some of their customs (see his letter to the king of Portugal (1516/7), and that to cardinal Afonso in 1528/9, translated in Jacob Kollaprambil, *The Sources of the Syro-Malabar Law*, 295-306). The Franciscans opened a seminary at Kodungalloor in 1541 to admit the STC boys for training to priesthood. Since those seminarians were trained in Latin customs, they were not received into the churches of the STC (“Report on the Serra (1603/1604) by Bishop Francisco Ros, S.J.” edited by Vincenzo Poggi and Jacob Kollaparambil and translated by Jacob Kollaparambil, in George Nedungatt, ed., *The Synod of Diamper Revisited* (Kanonika 9), Rome, 2001, 299-367, p. 341 (the original manuscript is in British Library, MS Add. 9853 ff. 86-99 (525-538), original text on f. 93v). See also Jacob Kollaparambil, *The St. Thomas Christians’ Revolution in 1653*, Kottayam, 1981, 19, who says: “However, none of those trained in Portugal or at the Cranganore college, and ordained priests, was accepted to serve in the churches of the St. Thomas Christians, because having been formed in

The STC shared the same disciplinary tradition of the ESC from around 4th to 16th century. Thus, we can imagine that the patriarch may have used his legislative, judicial and executive powers in the STC. Patriarchs made laws at times which were later approved by synods. In this long period, it seems that the patriarch intervened only a few times. Other evidences for his intervention are yet to be identified. Most probably he intervened in other cases also. The most evident interventions are limited to the sending of bishops when needed, for which the patriarch had power. If the ES norm on the power of the patriarch in the election and confirmation of bishops was applied in the STC, we can legitimately assume that other norms and doctrine on the supremacy of the patriarch's power was respected also in the STC. This assumption is further confirmed by the fact that various copies of the ES laws were found among the STC. At the Assyrian metropolitan house of Trichur, there is a manuscript of the ES *Synodicon orientale*, at least a great part of it.<sup>45</sup> There were also copies of the Nomocanon of Mar Abdiso, which Mar Joseph brought to Rome and is now in the Vatican library (Vatican-Syriac 128). Another copy of the Nomocanon of Mar

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the rites and customs of the Latin Church, they began to insist 'mordicus' that the St. Thomas Christians should accept the Latin customs. All of them, therefore, were ascribed to the diocese of Cochin, where they did admirably well in providing priestly ministries to the faithful of the Latin rite." See also Jonas Thaliath, *The Synod of Diamper*, 5-6. Even before the reunion of Mar Sulaqa, Mar Jacob (†1552), bishop of the STC, adopted certain Latin customs to the STC, even against his will, because of the pressure from the missionaries (*The Sources of the Syro-Malabar Law*, 284-285). What the synod of Diamper did was to force the STC to sever all its relationship with the patriarch of the Chaldean Church, and to come totally under the Latin church and the Portuguese patronage.

45 Andrews Thazhath, *The Juridical Sources of the Syro-Malabar Church*, 101 note 184.

Abdiso is at the metropolitan library of Ernakulam (MS No. L. 22).<sup>46</sup>

However, we cannot hold that the STC and the ESC were the same. “By reason of the common apostolic origin from Ap. Thomas (directly or indirectly) and by reason of commercial and cultural communications, the Churches of the Persian empire and of India had a common or similar development of their Judeo-Christian patrimony. The Christ-experience of the founding apostle was the same; life situation of the people was much influenced by commercial and cultural contacts. ... At the same time the Church in the Persian empire, obtaining its independence from the Church of the Roman empire, had a flourishing growth from the fifth century. It developed its own liturgy, spirituality, theology and discipline. In these things the Indian Church began to follow the lead of the Persian Church.”<sup>47</sup> However, we may remember that these two Churches had different origins and they remained two distinct Churches. “The Thomas Christians were not an integral part, nor an output of the Seleucian Church.”<sup>48</sup>

## Conclusion

In the Christian tradition, it is the eparchial bishop who has immediate power in his eparchy; the patriarch’s power in an eparchy (of which he is not the eparchial bishop) is mediated. In such an eparchy, he intervenes only in limited instances and in limited way, and it is the bishop who exercises direct power in it. The patriarch intervenes only when there is a need or in cases prescribed by law.

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46 Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 388 and 393.

47 Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, 98.

48 Placid Podipara, *The Thomas Christians, Bombay*, 1970, 101.

At the conclusion of this study, we can legitimately argue that the ES patriarch had jurisdiction and he exercised it when he found it necessary. We have trustworthy tradition about it which is confirmed by circumstantial evidences and written documents reporting his interventions. His various interventions such as ordaining and appointing bishops for the STC, detaching STC from the province of Riv-ardushir and raising it to a metropolitan see placing it directly under the patriarchal see, giving laws, commemoration of him in the STC liturgical services, intervention to divide the STC in two dioceses, etc. confirm this conclusion, and that his power was not limited to appointing and ordaining bishops. He had power even when he may not have exercised it. Although, the patriarchs mostly exercised executive power, it seems the ES patriarchs exercised on certain occasions also judicial and legislative powers, which fact makes us assume that the patriarch exercised all those powers perhaps also in the STC. Even though there were local structures of the Church governance, the patriarch intervened and decided on certain matters when it was necessary.





# Apostolic Vicariates in the Syro-Malabar Church Revisited Context, Consequences

Bishop Jose Porunnedom\*

## Prologue

An objective assessment of the impact of the Apostolic Vicariates in the governance of the Syro-Malabar Church and how it influenced the later development of this Church can hardly be made without understanding the history of the Syro-Malabar Church which from the beginning till the establishment of the apostolic vicariates was known in general as the St Thomas Christian Church or the Nasrani Christians. Until the arrival of the Portuguese *Padroado* and the colonial authorities in India towards the end of the 15th century (1498) and the subsequent formation of Latin Christian communities, there was only one *sui iuris* Church in the then subcontinent of India. It was called the St Thomas Christian Church. There was only one

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liturgical rite here, namely, the rite of the St Thomas Christian Church. It belonged to the East Syrian or Chaldean tradition, even though the Church itself was not an offshoot of the Chaldean Church. According to Msgr Leo Kierkels, *The Malabar Church was not a branch or offshoot of the Nestorian one, as was the early Christianity in China, but it became and long remained, a voluntary associate member of the Syro-Chaldean Patriarchate for practical not for doctrinal reasons. Their mutual relations were the outcome not of organic development of one moral body but of historical intercourse between two moral bodies each retaining separate corporate responsibility.*<sup>1</sup>

The Chaldeans never raised any claim that the St Thomas Christian Church was their daughter Church. On the other side, the St Thomas Christians always believed that their forefathers were the descendants of the first Christians baptised by St Thomas the Apostle who landed at Kodungallur on the shores of the present Kerala in the year 52 AD. At the same time the St Thomas Christian Church, for various reasons,<sup>2</sup> became a metropolitan province under the jurisdiction of the Chaldean Patriarch and the metropolitans and other bishops were chosen from the Chaldean Church and ordained by the Chaldean Patriarch. The canonical provision also was given by him. At various points of history his jurisdiction had been approved by the Roman Pontiff.<sup>3</sup>

In the course of history, a new group of Christians from the Middle East under a tradesman named Thomas of Kinayi

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1 From a letter of Msgr. Leo Kierkels, the apostolic delegate to India, to Fr. Placid Podipara on 14 November 1938, published in CO 3 (1981) 125-126.

2 For the reasons for the hierarchical dependence see P. Pallath, *Indian Catholic Church Yesterday and Today* [Malayalam] (Changanacherry, 2015) pp. 27-28. {Hereafter *Indian Catholic Church*}. See also Congregation for the Eastern Churches, *The Catholic East* (Milano 2019) 366.

3 P. Pallath, *Indian Catholic Church*, 40-41.

reached the shores of Kerala and merged themselves with the St Thomas Christian Church. They were called the *Southists* or the *Kananites*. According to tradition there were bishops and priests with them, and they brought with them a rather developed form of liturgy that was in use in the Chaldean Church. Since the Chaldeans traced back their origin to the preaching of Mar Addai and Mar Mari, the disciples of St Thomas, the Apostle, neither they nor the St Thomas Christians, who traced back their origin to the preaching of St Thomas himself, seemed to have any difficulty in accepting each other and becoming one Christian community even though until now the *Southists* have kept up their ethnic characteristics and traditions and their own separate parish churches. Both communities made use of the same liturgical rites as well.

A salient feature of the ecclesiastical organization of the St Thomas Christian Church at that time was that there was no fixed place for episcopal see. The metropolitan was known as the “*Metropolitan of All India*.” He lived wherever he found it convenient. As per tradition he hardly interfered in the administration of the Church. The administration of the Church was in the hands of a senior cleric called the archdeacon.<sup>4</sup> His title was the “*Archdeacon of All India*”. The obvious inference from their all-India title is that their jurisdiction was over the whole of the Indian subcontinent, though India at that time was not a unified political reality and the jurisdiction was not exercised in effect over the whole of Indian subcontinent.<sup>5</sup>

Another feature was that there was no parish system either. Each local community was mostly autonomous. There was no

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4 Cf. J. Kollaparambil, *Archdeacon of All-India-A Historico-Juridical Study* (Rome, 1972) 253-254; 261-262.

5 For a detailed study of the historical development of the ecclesiastical system of the St Thomas Christians see *The Catholic East*, 361-395.

custom or law that required the appointment of parish priests by the bishop. The communities, as and when required, themselves chose their candidates to priesthood and cared for their training and formation under some learned priest called “*Malpan*” (as there were no seminaries at that time). As and when the formation was complete the parish *yogam* (Parish Council) gave the *Desakuri* or the *nulla osta* for his ordination. Then the candidate was presented to the bishop by the archdeacon with the request to ordain him. Once ordained, the priest was obliged to live in the same local community and serve it until his death. If there were more than one priest in the same community, ordinarily the senior priest was given the leading role. It is also worth noting that the priests were all married.<sup>6</sup> The priest were financially supported by the local community in which he was doing ministry.

The archdeacon administered the Church with the help of *yogams* of the local communities, the regional *yogams* and the mahayogams or the Church *yogams*. The secular local rulers permitted the archdeacon to exercise also certain amount of secular power. He could even pronounce sentences in criminal matters of his subjects. Unlike in the West, the bishops of the St Thomas Christians had no political authority. The life of the St Thomas Christian Church in India from the beginnings to the imposition of the Portuguese *Padroado* rule in 1599 (Synod of Diamper), was relatively peaceful and eventless despite the overwhelmingly non-Christian milieu in which the Christians were living.

### **Padroado: Religious and Political Authority of the Portuguese Crown**

With the coronation of Charlemagne (AD 800) by Pope Leo III (795-816) there was a clear shift in the doctrine of the authority of the See of Peter. The ecclesiology of the second millennium

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6 *The Catholic East*, 364

was entirely different from that of the first millennium. In the first millennium the emphasis was more on the local Churches and the Church of Christ was conceived as a communion of different *sui iuris* Churches following their own liturgy, theology, discipline, and spirituality distinguished by the circumstances of history in which the members of each Church lived. Right from the early centuries there was incomprehension between the Churches in the Eastern and Western empires in matters of understanding the tenets of Christian faith such as the nature of Christ.<sup>7</sup> Owing to those differences and the subsequent excommunication of the protagonists, in the course of time, many groups went out of communion and formed their own Churches outside the Roman communion. The last one to go out of communion was the Byzantine or the Constantinopolitan Church in 1054.<sup>8</sup>

The collapse of the Western empire by the end of the 5th century and the coronation of Charlemagne as emperor by Pope Leo III (795-816) there began a clear shift in the doctrinal position of the primatial rights of the See of Peter. Assuming of political powers by the Pope necessitated the development of a suitable theology to retain that power. A forged document called the Donation of Constantine (ca. AD 751-756), was effectively made use of to consolidate the papal powers. In that attempt all the different ritual traditions in the West were unified under the one Roman Rite that was given the status of *Mother and Mistress (Mater et Magistra)*. Slowly the Roman Church and the Roman Rite were given the pre-eminence over all other Churches. The different rites began to be considered different liturgical usages in the one and the same Catholic Church under the governance of the Roman Pontiff.

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7 Cf. Wilhelm De Vries, *Ortodossia e Cattolicesimo* (Brescia 1983) 30-33.

8 Wilhelm De Vries, *Ortodossia e Cattolicesimo*, 66-70.

The Roman Pontiff consolidated his religious and political powers through the papal states and the theology that accorded to him the authority over the whole world. So, it was his duty to gain the entire world for Christ. In that effort he was supported by the most Catholic kings, in particular the Kings of Portugal and Spain. The Roman Pontiff divided the whole world into two parts. Roughly the countries to the east of Portugal were accorded to the Portuguese Crown and the West to the Spanish Crown. It was called the *Padroado* agreement confirmed on more than one occasion by the Roman Pontiffs.

### **Portuguese *Padroado* and the “Reduction” of the St Thomas Christian Church**

Ever since the Muhammadans established their monopoly of the pepper trade from India the Europeans were exploring different routes to reach India by sea avoiding the land route blocked by the Mohammadans. The widely circulated story of a certain Christian King called Prester John in India made the Europeans think of an alliance with him to defeat the Mohammadans and to gain control of the trade. The liberation of the Holy Land from the occupation of the Mohammadanas also seems to have been their aim for entering into alliance with Prester John. Though they could not find Prester John they were happy to encounter the local St Thomas Christians with whom they had in the beginning a cordial relationship as people of the same Catholic faith.

It was in the 15<sup>th</sup> century that the Portuguese *Padroado* agreement was concluded, and the Portuguese Crown was granted both secular and ecclesiastical powers by the Roman Pontiff in the countries they conquered. With the bull *Aeterni Regis* of Pope Sixtus IV it was made definitive.<sup>9</sup> Naturally, the dioceses

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9 Sixtus IV, Bull *Aeterni Regis*, *Bullarium Patronatus Porugalliae*, tomus, pp. 47-52. Quoted in P. Pallath, *Indian Catholic Church*, 58-59.

and archdioceses established under Padroado were all Latin and the liturgical rites and the ecclesiastical governing system was according to the canonical legislation for the Latin Church. When the ecclesiastical province of Goa was established (1558) its archbishop was given authority over all the territory under the political rule of Portugal in India and beyond. Whether the St Thomas Christians also came under his jurisdiction is a moot question. However, the Portuguese secular and ecclesiastical authorities did not have any such doubts. Later events proved it.

Unfortunately, the cordial atmosphere between the Portuguese and the St Thomas Christians did not last long for various reasons and naturally their trade suffered. It seems that the Portuguese understood the need to bring the St Thomas Christians also under their governance to improve the possibilities for pepper trade. Slowly they began to accuse the St Thomas Christians of Nestorian heresy because of the hierarchical relationship with the Chaldean Church. The allegation of heresy became stronger and stronger in the aftermath of the Council of Trent (1545-1565) that was convened in the aftermath of the Protestant Revolution, to wipe out all sorts of heresies and schisms from the Catholic Church.

By this time the Latin archdiocese of Goa (1533) and the diocese of Cochin (1558) were established under the Padroado authority. Finally, Archbishop Alexis de Menezes of Goa convened the Synod of *Diampar* (1599) and successfully severed the jurisdiction of the Chaldean Patriarch on the St Thomas Christian Church. Bishop Francis Ros SJ was appointed the bishop of Angamaly taking the name from the place the last Chaldean bishop was living and where he died. The see and naturally the faithful in it, thus, came under the authority of the Portuguese.<sup>10</sup>

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10 A brief description of the introduction of Padroado jurisdiction can be found in J. Puliurumpil, *Jurisdiction of the Syro-Malabar Church*

Now onwards one can see a gradual reduction of the territory and status of the St Thomas Christian Church.

## **Further Reduction of the Territory of the St Thomas Christian Church**

The St Thomas Christians were pained to see that their ancient metropolitan see was made a suffragan of Goa Latin archdiocese. So, they, under the leadership of the archdeacon, wrote to the Roman Pontiff to restore to their ancient status and jurisdiction. Bishop Ros also supported that move because he wanted to bring back the episcopal see to Kodungallur since it was a Portuguese fort that offered more safety to him from the local kings. In that effort they succeeded and got the ancient status and jurisdiction restored to Kodungallur.<sup>11</sup> Consecutively Bishop Ros wanted to transfer his residence. But the provision gave rise to a bitter fight between Bishop André (1588-1615) of Cochin and Bishop Rose because at that time Kodungallur was under the jurisdiction of the bishop of Cochin. It led to many scandalous incidents.

Though the Roman Pontiff intervened in the controversy and exhorted both sides there was no respite for the bitter clashes. Finally, the Roman Pontiff yielded to the demands of Bishop Ros and ordered Archbishop Menezes to demarcate the territories of the two ecclesiastical circumscriptions and put them into a public document.<sup>12</sup> Accordingly Archbishop Menezes prepared the document *Omnibus Notum* ((1610 December 22) demarcating

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(Kottayam, 2018) 102-105.

11 Pope Paul V, Bull *Romanus Pontifex*, 1608 December 22. *Bullarium Patronatus Portugalliae*, Tomus 2, 8, See P. Pallath, *The Catholic Church*, 187. Foot note 82.

12 Pope Paul V, Apostolic letters *Cum Sicut and Cum Nobis*, *Bullarium Patronatus Portugalliae*, Tomus 2, pp. 12-13 & 14-15. Quoted in P. Pallath, *The Indian Catholic Church*, 188-190.



the territories of Kodungallur, Cochin and Mylapore. His decision was approved by Pope Paul V on 1616 February 6 by his apostolic letter *Alias Postquam*. Archbishop Christopher de Sa (1613-1622), the then archbishop of Goa was ordered to execute it.<sup>13</sup> According to the decision of Archbishop Menezes the territories of Kodungallur were restricted to some parts of Malabar in the present Kerala state and the states of Karnataka (Mysore) and Tamil Nadu (Madhura). Thus, though the ancient independent status of the metropolitan see of India of the St Thomas Christians had been restored, it's all India jurisdiction ended, and it became a mere diocese under the Padroado authority. Despite the decisions from the Roman Pontiff, the archbishop of Goa continued to exercise his metropolitan powers over it.

## **St Thomas Christians under Double Jurisdiction**

Parallel to the schism and the consequent tension in the St Thomas Christian Church, tension was mounting between the Holy See and the Portuguese crown because of the failure of the latter in fulfilling their obligations under the Padroado agreement because the Portuguese were overpowered by the Dutch in many of their colonies and were expelled from the colonies. In the meantime, Pope Gregory XV established the Congregation for the Propagation of faith (*Propaganda Fide*) on 22 June 1622 for the coordinating missionary activities all over the world. So, slowly Propaganda began to establish apostolic vicariates in the territories in India and permitted also other religious congregations to work under them without the permission of the Padroado authorities. That irked the Portuguese and gradually a sort of double jurisdiction arose. Some of the St Thomas Christians found themselves again divided under the Padroado and Propaganda jurisdictions. According to G. Moraes the clash between the Padroado and the Propaganda was *a civil war that*

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13 *Bullarium Patronatus Portugalliae*, Tomus 2, pp. 26-27.

*began in 1637 (the year of establishment of the first vicariate in India) and ended in 1953.*<sup>14</sup>

## **Coonan Cross Oath and establishment of the Apostolic Vicariate of Malabar**

The St Thomas Christians were very much offended by the high-handedness of the Padroado bishops, in particular Bishop Francis Garcia (1641-1659). He was resolved to bring the St Thomas Christians to the Latin customs and liturgical rites. He had scant respect for the age-old ecclesiastical governing system of Malabar with the archdeacon wielding a considerable amount of power either. Sadly, the fight ended in the *Coonan Cross Oath* (1653 January 3) and the invalid episcopal ordination of Archdeacon Thoma by twelve priests (1653 May 22) in the parish church of Alangattu. A faction of them gradually drifted away from the Catholic communion.

It was to pacify the situation in the St Thomas Christian Church in the aftermath of the *Coonan Cross Oath* that Pope Alexander VII (1655-1667) sent two Carmelite missionaries, Fr Joseph Sebastiani (who later was ordained bishop by the pope himself) and Fr Hayacinth to India with ample powers. While the Carmelite missionaries established themselves in Malabar, much later on February 20, 1700, Fr Angelus Francis OCD was appointed (He had been already a missionary in India) vicar apostolic of Malabar. Interestingly, he was ordained (1701, February 22) bishop by Bishop Simeon Ada, a Chaldean bishop who was sent by the Chaldean patriarch to India at the request of the St Thomas Christians.

The Malabar vicariate was only a temporary provision as the Padroado bishops of Cochin and Kodungallur could not come to their dioceses owing to the opposition of the Dutch colonial

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14 Cf. P.Pallath, *The Catholic Church*, 110.

authorities. Unfortunately, the St Thomas Christians were the victims of the rivalry between the colonial authorities and the Holy See represented by the Propaganda Fide. They were divided under two, and sometimes even three, jurisdictions because there was also a Chaldean bishop in Malabar occasionally claiming jurisdiction.<sup>15</sup> For a short while, that is from the appointment of Archbishop Joseph Kariattil as the Padroado archbishop of Kodungallur (1783 February 17) to the death of Paremmakkal Thoma Governedor (1799 March 20), practically all the St Thomas Christians were under one jurisdiction. During that time, Bishop Aloysius Mary OCD (1784-1802), the vicar apostolic of Malabar, had only Latin rite Catholics under his jurisdiction.

After the death of Thoma Governedor the St Thomas Christians were divided again under Padroado and Propaganda jurisdictions (1800-1838). Finally, the see of Kodungallur was suppressed, together with the other Padroado sees in India, on 24 April 1838 by the apostolic letter *Multa Praeclare* of Pope Gregory XVI. Consequently, all the St Thomas Christians were put under the Malabar vicariate again. The Malabar vicariate that was established for the St Thomas Christians gradually transformed itself into an ecclesiastical circumscription for the Latin Catholics alone.

On February 21, 1857, by an agreement signed by the Portuguese Crown and the Holy See, all the Padroado dioceses suppressed by the agreement on 24th April 1838 were re-established with the same jurisdictional powers as before. Naturally, among them there was also the see of Kadungallur. The St Thomas Christians were given option by the Apostolic Commissary, Archbishop Salvator Saba, who reached Malabar to enforce the said agreement, to be under the Padroado or Propaganda jurisdictions. As a result, 104 parishes remained in Malabar vicariate and 37 parishes in Kodungallur. 16 parishes

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15 P. Pallath, *The Catholic Church*, 22.

were divided under both jurisdictions.<sup>16</sup> By that time the Malabar Vicariate had assumed the title Vicariate of Verapoly because the Vicar Apostolic had his residence there.

The St Thomas Christians had never stopped their efforts to get bishops from the East Syrian Church. The unhappy incident of Rokkos and Mellus Schisms as well as the Pandari schism that rocked the St Thomas Christian Church was the unhappy result of those efforts. Following the apostolic letter, *Cum ecclesiastica disciplina* (1869 August 31) by which Pope Pius IX restricted the powers of the Chaldean synod in the election of bishops, there had been bitter disputes between him and Mar Joseph Audo regarding his jurisdiction in Malabar. His refusal to sign the document of Vatican I regarding the papal infallibility worsened the situation. Finally, by the encyclical, *Quae in patriarchatu* (16 November 1872), the pope categorically stated that the Chaldean patriarch had no jurisdictional rights in India.<sup>17</sup>

### **Final Suppression of Kodungallur and the end of St Thomas Christian Church as a *sui iuris* Church (1886)**

Following the signing of the agreement by the Portuguese Crown and the Holy See on 1886 June 23rd, Pope Leo XIII established the new Latin hierarchy under the Propaganda Fide in India.<sup>18</sup> Goa was given the honorary status of the Patriarchate of East Indies. Kodungallur was suppressed definitively, and its title was transferred to the archbishop of Goa. Verapoly was raised to

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16 See Bernard Thoma, *Mar Thoma Kristianikal*, 729-731 quoted in P. Pallath, *The Catholic Church*, 236.

17 Pius IX, encyclical letter, *Quae in Patriarchatu*, 16 November 1872, in *Iuris Pontifici de Propaganda Fide*, vol. 6, pars 2, pp. 306-310. Quoted in P. Pallath, *The Catholic Church*, 237-238.

18 Pope Leo XIII, *Humanae salutis auctor*, in *Leonis XIII Pontificis Maximi Acta*, vol 5, Romae 1886, 164-179.

the status of a metropolitan archdiocese. Both the Latin Catholics and the St Thomas Christians came under Verapoly. Thus, the existence of the St Thomas Christian Church as a *sui iuris* Church ended. For all practical purposes it became just a group of Catholics following an Oriental liturgy in a Latin diocese.

### **Vicariates Apostolic for the Syro-Malabar Christians<sup>19</sup>**

It is a matter of fact that the spirit of the ecclesiology that developed in the Latin Church after the definitive separation of the Oriental Churches from the Roman communion hardly permitted the authorities in Rome to return to the idea of communion of *sui iuris* Churches that existed in the first millennium. The Church was considered as a Christian republic ruled by the Roman Pontiff with imperial powers and the bishops governing the dioceses under him as his deputies. The tiara of the Roman Pontiff and his coronation epitomized his absolute powers *as pope, father of kings, governor of the world and Vicar of Christ*. The pre-eminence given to the Roman Rite and the Roman Church made all other rites merely exceptions rather than normal.

Coupled with this notion, there was also the notion of the racial and cultural superiority of the Europeans over all other peoples. All those elements might have prompted the Roman authorities to give more credibility to the reports of the European missionaries and ignore the desperate pleas of the St Thomas Christians, who steadfastly continued in the communion with the See of Peter and the Roman Church despite all odds, for bishops of their own rite and nation. Finally, it may have been the various schisms that might have made the authorities to think along the lines of giving them separate bishops.

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19 For a detailed study of the circumstances that led to the establishment of the apostolic vicariates see [Unpublished Dissertation] J. Porunnedom, *All India Jurisdiction of the Syro-Malabar Church: A Historico-Juridical Study*, PIO, Rome, 1991.

## Ritual Division

As a preliminary measure towards ritual separation of the Latins and the St Thomas Christians in the Vicariate of Verapoly, first Msgr. Leo Meurin,<sup>20</sup> Vicar Apostolic of Bombay, and then Msgr. Igancio Persico,<sup>21</sup> were appointed apostolic visitors to study the situation.<sup>22</sup> Msgr. Meurin was fully in favor of a ritual division and the appointment of native bishops,<sup>23</sup> while Persico favored a ritual division<sup>24</sup> but not the appointment of native bishops.<sup>25</sup>

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- 20 Appointment letter of 23 March 1876 with instructions in ACO, *Acta* (1876) f. 337v; published in DE MARTINIS, *Ius Pontificium, pars I*, vol. VI-2, 292-294.
  - 21 The decision to appoint Msgr. Persico was taken in the General Congregation of 27 November 1876. See ACO, *Acta* (1876) ff. 384r-387r. It was approved by the pope on 19 December 1876 - *Acta* (1877) f. 215r. Msgr. Persico left for Malabar on 2 February 1877 -f. 215r. Instructions to him dated 9 January 1877 - ff. 255v-257v.
  - 22 The Propaganda Fide distrusted the reports of Msgr. Meurin because the vicar apostolic wrote against him and passed him for partisan since he favored the ritual separation which meant the loss of power for the Carmelite vicar apostolic. See the letters of Msgr. Bernardino, in ACO, *Acta* (1876). f. 337c - Of 15 April 1876; f. 337v-342r - of 20 May 1876; f. 357v-360r - of 4 June 1876; ff. 374v-377r - of 18 June 1876; *Acta* (1877) f. 252v - of 25 October 1877. For the discussions in the Congregation on this - f. 244r. f. 245r-v - Unfavorable reply of the Propaganda Fide to Msgr. Meurin for his proposed division, of 5 September 1876.
  - 23 His reports in ACO, *Acta* (1876). f. 342v-343r - Of 22 May 1876; ff. 344v-348r - of 1 June 1876; ff. 361v-366r - of 10 June 1876; ff. 367v-373 - of 17 June 1876 with Votum. See also his letters in SCM (1862-1877) ff. 372r-373r of 1 November 1875; f. 378r - of 16 November 1875; f. 386r - of 20 December 1875; f. 411r - of 17 January 1876; f. 468r-v - his report; ff. 524r-527r - of 27 April 1876; ff. 528r-529r - of 4 May 1876; ff. 530r-531r - of 6 June 1876; ff. 550r-554v - of 18 September 1876, etc.
  - 24 Because a geographical division was not possible. ACO, *Acta* (1877) f. 268r – Msgr. Persico's report dated 29 April 1877.
  - 25 ACO, *Acta* (1877) ff. 25r-277r – Msgr. Persico's report of 29 April 1877; his additional report dated 7 June 1877. "Una divisione però di quel Vicariato non solo è assolutamente necessario, ma anche di relativa

In his additional report, Msgr. Persico proposed to postpone the decision to get more time to think about the possibility of a geographical division.<sup>26</sup> He suggested also the appointment of a coadjutor to Msgr. Mellano, the Carmelite Vicar Apostolic, for the interim period.<sup>27</sup> Finally, the Propaganda decided to separate the St Thomas Christians from the Latins and to give them a distinct jurisdiction both from the Chaldean as well as the Latin,<sup>28</sup> and to create two vicariates for them. The new vicariates were to be entrusted to two European bishops.

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urgenza, quando si considera il numero di quei Catholicici, e molto più il fatto di due riti diversi cole esistenti." f. 279v. "Io ritengo una tale concessione (native bishops) pericolosa e nociva ai *veri e perenni diritti ed interessi della S. Sede*." f. 268r. See also his report of 6 January 1877 in SCM (1862-1877) ff. 664ff.

- 26 It seems that the Propaganda Fide had asked him to give his opinion about the possibility of a territorial division, after he returned from India. In his reply of 25 June 1877 from Naples he says that he received the letter dated 23 June. He mentions also that he was not asked in his instructions to enquire about the possibility of a geographical division. However, in his reply he proposed two places, Verapoly and Alleppy, as headquarters for two vicariates in case the Holy See decided to make a territorial division. See ACO, SCM (1862-1877) f. 680r-681r.
- 27 According to Msgr. Persico the coadjutor had to be the future vicar apostolic for the Syrians. As suggested by him Msgr. Marcellino, OCD was appointed and he remained until the ritual division - ACO, Acta (1877) f. 233r. Marcellino was nominated on 27 August 1877 and amidst protests from the Malabarians, he was consecrated on 21 October 1877. Patent of consecration in SCM (1862-1877) f. 754r. But the appointment brief did not reach even after the consecration. See Marcellino's letter to Card. Franchi of 25 October 1877 - f. 745r-746r.
- 28 Letter of 23 December 1886 of the Prefect of the Propaganda Fide to Msgr. Agliardi. "Quindi vista l'importanza numerica del popolo, del clero, dei seminari, delle chiese ecc. si è stabilito di separarli dai Latini. Eseguite tale divisione rituale, od anche territoriale, si costituiscono uno o due Vicariati Apostolici pei Soriani, da affidarsi a Vescovi titolari Latini...come fù già risoluto da questa S.C. nella generale adunanza dei 9 luglio 1877." ACO, Acta (1877) f. 220r; *Lett.-Decr.* (1886) f. 499r.

## Delay in Granting a Separate Hierarchy and Jurisdiction for the Malabarians: Reasons of the Holy See

It is generally held that canon 9 of Lateran IV was the main obstacle in granting the Malabarians a separate hierarchy with distinct jurisdiction. In this regard Fr. Vithayathil writes,

*From a canonical point of view, it is interesting to study the traditional measures adopted by the Holy See. They called for a setting aside of the prescription of canon 9 of the IV Lateran Council which forbade double jurisdiction in the same territory. Hitherto the Propaganda Fide had insisted on a rigorous application of this canon. There was no question of allowing double jurisdiction in the Vicariate Apostolic of Verapoly and hence the Syrians had to remain subject to the Latin prelate. The Propaganda Fide, as we saw ruled out ritual division on account of this canon.<sup>29</sup>*

But from the minutes of the discussions in the Congregation one gets the impression that the canon in question kept a very low profile. It never received great attention of the majority whenever it was cited by one or another member. When the Congregation was informed of the real situation in Malabar, it had no difficulty in going for a ritual division. The attitude of the Holy See in applying this canon in case of Orientals is evident from the following remark of the Cardinal Prefect of the Propaganda Fide,

now one can see that the said division is not possible geographically...in the sense, of having one part of the territory exclusively for the Syrians. Msgr. Meurin and the Malabarians are convinced of this. So there remains only a ritual division, that is, the vicariate of Verapoly is to be divided in two jurisdictions to be exercised, one over the Latins alone, and the other over the Syrians alone as, indeed, is usual in the East where the same city and diocese is subjected to several prelates of different rites.<sup>30</sup>

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29 VITHAYATHIL, *Syro-Malabar Hierarchy*, 59.

30 ACO, *Acta* (1877) f. 220r.



The reasons for the delay in granting the St Thomas Christians a distinct jurisdiction must be sought elsewhere. The major reasons, as can be seen from the archival material, were the fear of schism and heresy<sup>31</sup> and the distrust in the intellectual and moral quality of the Malabarians,<sup>32</sup> particularly of the clergy for governing,<sup>33</sup> the conflicting petitions from the Malabarians themselves<sup>34</sup> and the repeated requests of the Chaldean patriarch to get Malabar under him.<sup>35</sup>

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- 31 "Nasceva anche il timore, che venisse alla consacrazione di altri Vescovi cattolici, scismatici, o sospetti di eresia. Quindi timore della S.C. sono stati tali, che ...e ben cautelata dall'istituzione di Vescovi indigeni." *Acta* (1896) f. 85v. Card. Prefect of the Propaganda Fide to Fr. Chavara on 27 January 1876. "Desidera Sua Santità che tutti si persuadano di questa verità, che si cessi da domande che specialmente nelle attuali circostanze sono inopportune e pericolose, e che si abbia piena fiducia nella sollecitudine della S. Sede." ACO, *Acta* (1865) f. 105r.
- 32 "I popoli, che abitano il Malabar, sono, e vero, denigrati da vizj, ma non mancano di virtù. Poichè sono incostanti e leggeri, facili, e disposti a mentire, ed ingannare. Il guadagno e il loro idolo, e vi aspirano per vie lecite, egualmente che illecite. Le loro passioni sono meno violente, e sanno tirare un velo sulla vendetta, che meditano." ACO, *Acta* (1865) f. 97r.
- 33 "Hanno clero piuttosto numeroso ma poco, o nulla istruito, e soggetto ad umane debolezze." ACO, *Acta* (1865) f. 106v.
- 34 Though the majority stood for a division between the Latins and the Syrians, there were also small groups who were for the Latin rule. Yet another group wanted to be under the Chaldean Patriarch. In the Ponzona of March 1896 it is said: "I Soriani nelle petizioni, sia antiche, sia recenti inviate alla S. Sede per ottenere un mutamento di regime non sogliono distinguere due diversi progetti; alcune volte essi domandarono Vescovi nativi nazionali; altre volte Vescovi Caldei." ACO, *Acta* (1896) f. 75v. See the petitions in SCM (1862-1877) ff. 393r; 400r; 479, etc. There were two petitions against the division dated 9 July 1876 and 16 July 1876 - *Acta* (1876) ff. 380r-383r.
- 35 Even after the ritual separation the patriarch continued his requests: For example: his letters of 6 April 1895 (No. 3769), 22 June 1895 (No. 4152), 2 August 1895 (No. 4311), 9 February 1895 (No. 3533), etc. in ACO, DISM (1894-1900) vol. 109, Fasc. 3. Msgr. Khayath was of opinion that the Malabarians were not asking for an indigenous bishop by requesting to free from the jurisdiction of the Latin bishops. Moreover, they would not

The Cardinals in the Congregation formed their opinion about the St Thomas Christians mostly from the reports of the missionaries who worked among them.<sup>36</sup> The Cardinal prefect himself said in the general meeting in December 1886,

*From all that has been declared so far, Your Eminences will understand that till 1865 the Sacred Congregation showed itself, if not opposed, at least hesitant to grant the petition of the Syrians of Malabar for an indigenous bishop. It must however be said that until that time the only information available was based on the reports of the Carmelite Fathers and of the Vicars Apostolic. Msgr. Meurin and Msgr. Persico were the first to allow us to*

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have obeyed native bishops for whom they had no respect in the opinion of Msgr. Khayath. So, he submitted a project to the Propaganda Fide with a proposal to give two bishops to the Malabarians, under a Chaldean metropolitan. The Propaganda Fide replied on 26 March 1895: "Tende il progetto presentato da V.S. non si poter reare in atto senza difficoltà, perchè converrebbe in primo luogo abrogare le disposizioni del Sinodo di Diamper celebrato nell'anno 1599 in cui vennero stabilite tutte le norme disciplinari e liturgiche da seguirsi fra i Soriani, ed in secondo luogo si dovrebbe per conseguenza introdurre una non lieve modificazione nella liturgia soriana, perchè questo rito, sebbene derivato dal Caldea, non ha attualmente con uso piena affinità ma presenta alcuni punti di notevole divergenza." Fasc. 3 (No. 3533). When he came to know of the decision of the Propaganda Fide to appoint indigenous prelates in Malabar Patriarch Khayath wrote that it was regrettable. Letter of 6 June 1896 in Fasc. 3 (No. 5572).

- 36 About the opposition of the missionaries, Msgr. Agliardi informed the the Propaganda Fide. The Cardinal Prefect reported: "La seconda osservazione e che l'opposizione dei Vicari Apostolici Carmelitani a dare un Vescovo del rito ai Soriani può forse essere l'effetto delle continue insistenze di quei missionari che più avvicinano i Vicari Apostolici e che aspirano a succeder loro nell'episcopato. Di fatti in Verapoli si verifica, che tolti i vecchi e i troppo giovani, tre o quattro aspiranti all'episcopato, temendo che loro possa sfuggire tale dignità se si desse ai Soriani un Vescovo del rito, continuamente parlano dei Soriani, e li mettono in pessimo aspetto preso i Vicari Apostolici, e ai Soriani dicono apertamente che non pensino ad avere un Vescovo proprio, perchè la missione è Carmelitana e deve restare sempre Carmelitana." ACO, Acta (1886) f. 525r.

*know the state of things in a manner independent of the Carmelites.*<sup>37</sup>

Finally, the Holy See decided to grant a distinct jurisdiction for the St Thomas Christians, precisely to avert a schism.<sup>38</sup> It gave little attention to canon 9 of Lateran IV when it received the right information. With the ritual separation and the erection of the two vicariates for the St Thomas Christians the ancient St Thomas Christian Church was re-born in a different juridical guise of two apostolic vicariates after the Latin model and with a new appellation, *Syro-Malabar*.

### **Constitution on Division and Its Canonical Implications on the Syro-Malabar Jurisdiction**

Pope Leo XIII by the constitution *Quod iampridem* of 20 May 1887, separated the St Thomas Christians from the Latins and erected the vicariates of Kottayam and Trichur for the former and entrusted them to Bishop Charles Lavigne and Bishop Adolf Medlycott, two European Latin prelates, respectively.<sup>39</sup>

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37 ACO, *Acta* (1886) f. 526r. Already on 29 June 1863 Abb. Depommier, the secretary of Msgr. Saba, had given a detailed report about the Malabarians and proposed to give them a separate bishop separating them from the Latins - Reprint in ACO, *Acta* (1876) ff. 117v-119v. See also the report of 5 October 1876, of Msgr. Meurin -SCM (1862-1877) ff. 562r-565r. From the statement one can also infer why the Congregation decided in the general meeting of 6 March 1865 to praise the appointment of Fr. Chavara as Vicar for the Syrians in the wake of Rokkos schism. See *Lett.-Decr.* (1864-1865) ff. 419r-422r.

38 The decision of the Propaganda Fide to put the Malabarians under two Vicariates seems to have been influenced by the suggestion of Msgr. Agliardi. He wrote on 18 December 1885, "tale proposta (i.e. to give two vicariates), per mio avviso, ha i seguenti vantaggi; 1) mostrare di voler fare qualche cosa pei Soriani, senza pregiudicare la questione di un Vescovo nativo; 2) divide le forze dei Soriani in due centri..." ACO, *Acta* (1886) f. 552v.

39 LEO XIII, "*Quod iampridem*," *Acta*, vol. VII, 106-108.

The Constitution stipulated that the St Thomas Christians be separated from the Latins and they be given two vicariates in the *Malabar region*. No further specification was given either as to the St Thomas Christians or to the Malabar region. It simply said, "We order that after the ritual separation of the Catholic Syro-Malabarians from the Latins is effected, two vicariates apostolic be constituted for them."<sup>40</sup>

The boundaries of the vicariates were not defined in the Constitution. But the division between the two was territorial. The document said,

*Besides, we order that the division of the aforesaid apostolic vicariates be done according to the natural boundaries of the river "Alavay" which divides the Malabar region from the city "Maleatar" up to the sea near the city "Cochin" in such a way that the first vicariate be northern with ordinary residence of the vicar apostolic in the city of Trichur...the other be southern with the ordinary residence of its vicar apostolic in the city "Cottayam" from which it will accept the name.*<sup>41</sup>

The new vicars apostolic were directly under the Holy See. The question, if the new vicars apostolic were to be suffragans of any metropolitan, was discussed in the Congregation. The decision was that they had to be directly under the Holy See because they exercised their mission in the name of the Holy

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40 *"Mandamus, ut peracta rituali separatione Catholicorum Syro-Malabarensium a Latinis, duo, pro illis constituentur Vicariatus Apostolici."*

41 Leo XIII, *"Quod iampridem,"* 107. It was the decision of the bishops' synod of Bagalore held on 25 January 1887. They argued that the division of the vicariates should not be based on "castes" (Northists and Southists) but on geography. See ACO, *Acta* (1887) f. 263v. The paragraph quoted was prepared in the synod.

See.<sup>42</sup> The disposition was also to avoid any sort of affiliation to the Chaldean patriarch.<sup>43</sup>

## Reorganization of the Vicariates.

On 28 July 1896 the Holy See reorganized the two vicariates into three, by the brief *Quae rei sacra*.<sup>44</sup> Two new ones, Changanacherry and Ernakulam, were erected and Kottayam was suppressed, while Trichur remained as before. The name Syro-Malabar was adopted to avoid misgivings regarding the Chaldean claims.<sup>45</sup> Unlike the Constitution *Quod iam pridem*, which did not define the boundaries of the vicariates, the new Constitution clearly defined the territories of the three new vicariates. It said,

*We order that the boundaries of each vicariate must be defined in this way: First, the vicariate apostolic of Trichur with ordinary residence of the vicar apostolic in the city called Trichur, from the boundaries of Managalore<sup>46</sup> and Coimbatore extending up to the river Shalacoode, which falls in the ocean near Cranganor. Second, the vicariate apostolic of Ernakulam with*

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42 "Essendo i Vic. Apo. posti a reggere qualche missione a nome e con autorità del Sommo Pontefice, parebbe manifesto dover essi dipendere immediatamente dalla S. Sede, e che per conseguenza nessun vescovo od Arcivescovo possa avere su di loro alcuna giurisdizione, salvo il caso che ne fosse espressamente dalla S. Sede autorizzato." ACO, *Acta* (1887) f. 256r. See also f. 258r.

43 ACO, *Acta* (1886) f. 126r.

44 Leo XIII, *Acta*, vol. XVI, 229-232.

45 It was the idea of Msgr. Zaleski. See his letter of 28 August 1896. "Che nei brevi ed altri documenti non si faccia nessuna menzione del patriarcato Chaldeo, dei Chaldei e Soriani, ma che i Malabaresi siano piuttosto trattati come una nazione affatto diversa e di rito diverso, Syro-Malabarese." ACO, *DISM*, vol. 109, Fasc. 3.

46 The southern boundary of Mangalore was the River Ponnani. See ACO, *Acta* (1877) f. 280v – Msgr. Persico's Report of 6 June 1877. Thus the Ponnani River marked the northern boundary of Trichur.

*ordinary residence in the city of Ernakulam, may include the rest of the churches in the old vicariate of Trichur to the left bank of the river Shalacoode, and also the three foranes of Edappally, Arakuye, and Pallipuram together with the three churches of the Southists of Chumkam, Caringott, and Bramangalam. Third, vicariate apostolic of Changanacherry with ordinary residence of the vicar in the city of Changanacherry, may comprise of five foranes of Anakalumkal, Palah, Muttuchira or Coravalangat, Changanacherry, and Callurkatt, with all the churches and chapels of the Southists situating within this territory.<sup>47</sup>*

But at the same it was also said that the territory of the new vicariates was exactly the same as that of the former ones which as we saw, was undefined.

Regarding the St Thomas Christians living outside the territorial limits of the three vicariates, there was no express disposition in the Constitution. Nevertheless, the decree of execution issued by the Apostolic Delegate, Msgr. Zaleski,<sup>48</sup> who was empowered by the Holy See for that purpose, clearly stipulated that,

*all the three above-mentioned vicariates apostolic for the Syro-Malabarians will be confined within the present Latin rite dioceses of Verapoly and Cochin, except that part of the territory of Cochin, which lies between the sea and diocese of Quilon...All the Christians of the Syro-Malabar rite living outside these boundaries, for whatever reason or cause will remain subject to the jurisdiction of the local (Latin) Ordinaries.<sup>49</sup>*

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47 LEO XIII, *Acta*, vol. XVI, 229-232.

48 Msgr. Ladislavo-Michaele Zalescki, Polish by birth, was Apostolic Delegate in India from 5 March 1892 to 5 March 1916. See ACO, DISM, vol. 109, Fasc. 10.

49 ACO, DISM, vol. 109, 1889-1900, Fasc. 3; published in PAREPARAMBIL, *An Account*, 214.

The decree of Msgr. Zaleski was approved by the prefect of the Propaganda Fide on 30 November 1896.<sup>50</sup> From the letter of the prefect it is obvious that the matter was not discussed in the Congregation.

## **Southist Jurisdiction**

The principle of "natural division" was adopted in the Constitution *Quod iampridem*, to avoid a division based on "castes." However, that principle was set aside and a distinct vicariate was erected on 29 August 1911 for the Southist community respecting their desire.<sup>51</sup> The incumbent of the See was given personal jurisdiction over the Southists living within the vicariates of Ernakulam and Changanacherry.<sup>52</sup>

## **Institution of the Syro-Malabar Hierarchy**

The four vicariates were raised to the rank of dioceses and the Syro-Malabar hierarchy was instituted on 21 December 1923.<sup>53</sup> In the dispositive part of the apostolic constitution

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50 The Cardinal Prefect wrote: "Ho letto e ponderato con diligenza il Decreto da Lei composto in conformità ed esecuzione del Breve – *Rei Sacra* e non ho nulla da osservare circa il contenuto del medesimo che armonizza perfettamente con la disposizione pontificie." ACO, DISM, vol. 109, Fasc. 3 (No. 6107).

51 Msgr. Makil wrote to the prefect of the Propaganda Fide on 30 July 1911 while he was in Rome for the Ad Limina visit. "Cum die 22a maii 1911, Beatissimo Patri, humillime explicavi statum Vicariatus Changanacheriensis proposuique divisionem ejusdem Vicariatus in duo - pro nordistis nempe et sudistis separatim -, mihi dignatus fuit respondere: "Tu redibis in gaudio." ACO, SCM, vol. 109 (1883-1910) No. 30445. In the audience with the pope Msgr. Menacherry also asked for the same. See No. 30562.

52 At that time there was no Southist parish in the Vicariate Apostolic of Trichur.

53 AAS 16 (1924) 257-262.

*Romani Pontifices* the following points are worth noting:<sup>54</sup>

1) The Holy See was always favorable to the Syro-Malabar Church. It had a right to that because of its noble place among the Orientals owing to the origin from the evangelization of the Apostle Thomas. 2) Though difficult times and distance from the West kept this Church separated from the Apostolic See, it always maintained the Christian faith. 3) Because of its devotion to the Apostolic See and its progress, Pope Leo XIII gave it two vicariates separating the St Thomas Christians from the Latins in the vicariate of Verapoly<sup>55</sup> under whom they lived. 4) It is now deemed right and just the demand of the faithful, priests and the supreme authority of the Syro-Malabar Church, to the Holy See, that their Church be granted a perfect and a permanent ecclesiastical constitution which is important for the care of Christian discipline and spiritual health of the people.<sup>56</sup>

As regards the territory of the Syro-Malabar Church, the new disposition did not make any alteration. As the constitution itself said, the intention of the pope was to fulfil the desire of the faithful and the clergy to have a permanent and perfect structure. This was partially achieved through the institution of a hierarchy under a single metropolitan.<sup>57</sup> The territory covered by the four dioceses remained the same as that of the four vicariates. The

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54 AAS 16 (1924) 257-262.

55 The constitution *Quod iam pridem* did not say that only the Syrians living in the Church of Verapoly were being separated from the Latins. It simply said "the Malabar region", which was much larger than the archdiocese of Verapoly.

56 There were petitions from Malabar for the institution of the hierarchy. See ACO, SCM, vol. 109 (1883-1910) No. 30562 - *Libellus D.N. Pio IX S.P. Et Emis. Cardinalium S.R.E. Oblatus A sacerdotibus Ritus Syro-Chaldaici Trium Vicariatorum Malabariae*", dated 18 September 1908.

57 Later in 1959 this quasi perfection again underwent a crisis when Changanacherry was raised to metropolitan status [AAS 51 (1959) 580-581]. The Church was divided under two heads but without a common head which is normal for Oriental Churches. As the territory was further



Malabarians living outside these four eparchies remained under the local Latin Ordinaries as before.

## Some Observations

The constitution *Quod iampridem* was not clear about the question whether the division of the Malabarians from the Latins excluded any Syrians. From the exercise of jurisdiction by Msgr. Medlycott in the churches within the territory of Coimbatore as well as the absence of a delimitation of boundaries of the vicariates one may infer that the Holy See did not want to exclude any Syrian and that the territories included places even beyond that of the archdiocese of Veraploy.

When the first two vicariates were reorganized there was a confusion about the territory of the new vicariates in the Constitution *Quae rei sacrae*. On the one hand, it said that the territory was the same as that of the previous two vicariates which was not defined. On the other hand, each of the three new vicariates were given a well-defined territory. In the case of Trichur it lost some of its previous territory. An obvious point that emerges from the correspondence between Msgr. Zaleski and the Propaganda Fide, is that the apostolic delegate was resolute in restricting the power of the Syro-Malabar vicars apostolic.<sup>58</sup> The letter of the Cardinal Prefect, accompanying the briefs of reorganization, said, "the boundaries of the three vicariates are exactly the ones Your Excellency had proposed."<sup>59</sup>

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extended to the northern dioceses, this division has become wider because none of them are under either of these metropolitans.

58 Msgr. Zaleski's report of 25 May 1896 about the reorganization of the vicariates. ACO, DISM, vol. 109 (1889-1900) Fasc. 4 (No. 5538/Prot. 1491).

59 "I limiti dei tre Vicariati sono precisamente quelli tracciati da V(ostra) S(ignoria)." Msgr. Zaleski had sent the precise wording of the brief

The attitude of Msgr. Zaleski regarding the Syrians living outside the defined territory was clear from his approach to the question raised by Msgr. Menacherry, the new vicar apostolic of Trichur, about the Syrian parish of Melarcode (which was within the territory of Coimbatore diocese).<sup>60</sup> Msgr. Menacherry wrote to the Congregation that Melarcode was under Trichur while Msgr. Medlycott was Vicar Apostolic; but the bishop

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regarding the territory of the vicariates. ACO, DISM, vol 109, Fasc. 4 (No. 5538/Prot. 1491) - His letter of 25 May 1896.

- 60 Letter of 10 May 1897. In fact the bishop of Coimbatore moved against Msgr Menacherry on compulsion from Msgr Zaleski who wrote, "Msgr Bardou però, non volendo aver nulla da fare coi Soriani,...mi scrisse esprimendo il suo desiderio di consegnare questa chiesa a Msgr Menacherry. Risposi: 1/ che questo non si poteva fare senza il consenso della S. Cogne di Prop., 2/ che questo sarebbe un precedente di chiese esente Soriana in aliena dioecesi." ... "L'importanza della questione sta in questo, che essa involga una questione di principio, cioè, se la giurisdizione dei Vicarii Apostolici Soriani deve esercitarsi nelle limiti territoriali assegnate loro, - oppure se la S. Sede concede anche a loro delle Chiese esenti in aliena dioecesi." ... "Evidente che, se si concede a Trichur la Chiesa di Malarcodoo con giurisdizione personale sui 330 Soriani dipendenti di questa Chiesa, - tutte le altre colonie soriane chiederanno anche di essere esenti dalla giurisdizione dell'Ordinario territoriale." ... "Ora, nella diocesi di Coimbatore, fuori di Malarcodoo o dei tre villaggi adiacenti c'è una colonia Soriana a Palghat, una a Vadakantcherry (sic) ed altre di minor importanza." ... "Nella dioecesi di Quilon poi ci sono molte colonie di Soriani. Col precedente di Malarcodoo anche questi Soriani...faranno agitazione per essere esenti dalla giurisdizione del vescovo territoriale e messi sotto quella del Vicario Apostolico...Ed e perciò che dicevo, che l'affare di Malarcodoo involge una questione di principio assai pericolosa, - e perciò, la mia umile opinione sarebbe che e sommamente necessario di non permettere alla giurisdizione dei Vicari Apostolici Soriani di uscire delle limiti territoriali assegnate loro, che sono quelle dell'Arcidiocesi Latina di Verapoly e del territorio continuo della diocesi di Coccino." ACO, DISM, vol. 109, Fasc. 5 (No. 6940/ Prot. 1883).

of Coimbatore opposed his exercising jurisdiction there.<sup>61</sup> As suggested by Msgr. Zaleski, the Propaganda Fide replied that over the Syrians in Malarcode only the bishop of Coimbatore had jurisdiction according to the new arrangement.<sup>62</sup>

## Epilogue

The metamorphosis of the St Thomas Christian Church that took its origins from the first Christian communities, baptized by Apostle Thomas in India and that, in the course of history, became a metropolitan province under the jurisdiction of the Chaldean patriarch, to the present status of a major archiepiscopal *sui iuris* Oriental Church with a new appellation, Syro-Malabar, is mind boggling, not only for the onlookers but also for the Syro-Malabarians themselves. In the almost two thousand years of existence, it passed through various transformative stages, both canonical and social as well as liturgical. Incomprehension owing to wrong ecclesiological notion of Christendom as a world republic ruled by the Roman Pontiff as an absolute monarch who had God-given powers over the entire world, and the unilaterally developed concept of salvation of souls held by the Roman authorities, utter disregard and disrespect towards the local stakeholders, i.e., the Syro-Malabarians, deep rooted racial,

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61 In his letter of 27 July 1897 of Msgr. Menacherry to the Propaganda Fide. He adduced the following reasons: 1) It was always under the Vicariate of Malabar and the vicar apostolic of Verapoly governed it; 2) after the ritual separation this parish was under the vicar apostolic of Trichur who exercised jurisdiction there for nine years. During this period the bishop of Coimbatore never raised any objection; 3) by reorganizing the vicariates, the Holy See did not change the territories. On the contrary the document *Quae rei sacrae* said: "Tres Vicariatuum quorum tamen territorium eadem patere volumus quatenus patebat... prior Vicariatus Trichurensis nempe et Cottayamensis." ACO, DISM, vol. 109 (1889-1900), Fasc. 5 (No. 7299).

62 ACO, DISM, vol. 109 (1889-1900) Fasc. 5. See the replies of 10 May 1897 of the Propaganda Fide to Msgr. Bardou; to Msgr. Menacherry and to Msgr. Zaleski dated 15 June 1897.

moral and intellectual prejudice of the European superiority, trade and political interests of colonial powers, power-politics of missionaries and local communities, rivalry among religious congregations, selfishness of individuals, and many more factors influenced those stages and their development. Most of the present woes that plague the Syro-Malabar Church have their roots in those factors. Needless to say, it was always the faithful that was the causality, obviously for no fault of theirs.

Even though the Syro-Malabar Church has been restored to the canonical status of a *sui juris* Oriental Church, their mental framework, and the point of views in various matters have reached nowhere near the nature of the ancient St Thomas Christian Church. One of the main reasons is to be found in the ecclesiastical governing system and the liturgical practices as well as the practices of popular piety followed and promoted by the apostolic vicars and later the bishops of the Syro-Malabar Church who have had their catechetical and priestly formation according to the theology, customs, and practices of the Latin Church. They cannot be found fault for it because that was what the Roman authorities wanted the Carmelite and other missionaries to achieve in Malabar.

At the end of the day, one is faced with the question: “Was it all worth undergoing all those painful stages to lead a good Christian life or whether the passion, death and resurrection of the Lord was a useless exercise?” In this connection the words of St Paul are worth quoting: *For Christ did not send me to baptize but to preach the gospel, and not with words of eloquent wisdom, lest the cross of Christ be emptied of its power (1 Cor. 1:17)*. Referring to the division between the Eastern Churches and the Western (Latin) Church St John Paul II wrote in his *Apostolic Exhortation Orientale Lumen*, “The cross of Christ must not be emptied of its power because if the cross of Christ is emptied of its power, man no longer has roots, he no longer has prospects:

*he is destroyed! This is the cry of the end of the 20th century. It is the cry of Rome, of Moscow, of Constantinople. It is the cry of all Christendom: of the Americas, of Africa, of Asia, of everyone. It is the cry of the new evangelization.*"<sup>63</sup>

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63 Pope John Paul II, Apostolic Letter *Orientalis Lumen*, 2 May 1995 quotation from the Address after the Way of the Cross, Good Friday (April 1, 1994), 3: *AAS* 87, (1995), 88.





# Hierarchical Structure of the Latin Church

## *Sui Iuris*

Pablo Gefaell\*

For this Special Issue of *Eastern Legal Thought* Journal, which wants to celebrate the centenary of the Syro-Malabar hierarchy re-establishment, I was asked to write a contribution on the hierarchical structure of the Latin Church, knowing well that I belong to this Church but I dedicate the main part of my academic activity to the teaching of the Law of the Eastern Churches. This gives me the approach with which to present the topic, that is, to explain the peculiarities of the Latin ecclesiastical organization with regard to that of the Eastern Churches.

In the first place, it seems to me necessary to emphasize the equal dignity of all the Churches within the communion of the Catholic Church. After that, the different meaning given to the expression “particular Church” in the East and in the West must be examined from the ecclesiological point of view. We will then see the coining of the expression “Church *sui iuris*” in

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place of the old terminology of “rites”. So we will have to make the necessary distinction between rite and ritual tradition. We will then examine whether the Latin Church can be considered a *sui iuris* Church. Next, we will explain why the universal ambit of the jurisdiction of the Latin Church exists, contrary to the rest of the Churches *sui iuris* and, in close connection with this topic, the discussion on the geographical breadth of the missionary activity of the Latin Church. It will then be necessary to refer to the coexistence of the circumscriptions of the Latin Church and of the other Churches *sui iuris* on the same territory. Finally, we will make a brief exposition of the articulation of the hierarchical structure of the Latin Church, without going into other details, because they seem to me already well known.

## **1. All Churches in the Catholic Church enjoy the same dignity**

From the time of the separation between East and West, and throughout the late Middle Ages, the Church united with Rome was constituted almost exclusively by the Latin Church. In this state of affairs, a mentality was formed that identified being “Catholic” with being “Latin”. For centuries, therefore, the efforts made to achieve the unity of the Churches have often been translated into attempts at Latinization, and “the Eastern rites” have been seen just as an exotic liturgical “curiosity” that could at most be “tolerated”. It was Benedict XIV who coined the expression *praestantia latini ritus*<sup>1</sup> which, of course,

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1 That “*praestantia*” was based on the fact that “*dignitatem vel praestantiam ipsius Sedis Romanae paulatim in ritum quoque romanum extensam esse putamus*”: A. PETRANI, *An adsit ritus praestantior*, in «*Apollinaris*» 6 (1933), p. 74. It must be recognized, however, that, in the context of the time, Pope Benedict XIV greatly defended and promoted Eastern Catholicism: cf. H. HOFFMANN, *De Benedicti XIV latinizationibus in const. "Etsi Pastoralis" et "Inter Multa"*, in *Ephemerides Iuris Canonici* 4 (1948) 9-54.



had inevitable practical repercussions.<sup>2</sup> This mentality remained substantially unchanged until the time of Pius IX.<sup>3</sup> Only with the apostolic letter *Orientalium dignitas* of Leo XIII<sup>4</sup> the widespread conviction of the “*praestantia ritus latini*”, until then dominant, began to be overcome, but let’s not deceive ourselves, it is still shared today by some.

In the decree on the Eastern Catholic Churches, the Second Vatican Council wanted to emphasize that all the Churches

«whether of the East or the West, although they differ somewhat among themselves in rite (to use the current phrase), that is, in liturgy, ecclesiastical discipline, and spiritual heritage, are (...) of equal dignity, so that none of them is superior to the others as regards rite and they enjoy the same rights and are under the same obligations, also in respect of preaching the Gospel to the whole world (cf. Mark 16, 15) under the guidance of the Roman Pontiff» (decree *Orientalium Ecclesiarum* [OE], no. 3).<sup>5</sup>

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- 2 «Latinus Ritus is sit, quo utitur Sancta Romana Ecclesia, quae Mater est et Magistra aliarum Ecclesiarum, reliquis omnibus Ritibus praeferrī debet. Ex quo porro sequitur, haud licere a Latino Ritu ad Graecum transire; nec illis, qui semel a Ritu Graeco, vel Orientali, ad Latinum transierunt, integrum esse ad pristinum Graecum Riturē reverti». Lett. enc. *Allatae sunt*, 26 July 1755, in *CIC Fontes* II, p. 459. See also, cost. ap. *Etsi pastoralis*, 26 May 1742, § IX n. I, *CIC Fontes* I, p. 739.
  - 3 See PIUS PP. IX, Litt. *Plura sapienter* to the Bishop of Palermo, 11th July 1847, *Fonti, serie* I, fasc. II, p. 533, n. 4.
  - 4 LEO XIII, Litt. Ap. *Orientalium Dignitas*, 30th November 1894, in *Leonis XIII Acta*, 14 (1894), 358-370; also in *CIC Fontes* III, 455.
  - 5 An in-depth study of OE No. 3 can be found in I. ŽUŽEK, Incidenza del “*Codex Canonum Ecclesiarum Orientalium*” nella Storia moderna della Chiesa Universale, in PONTIFICIUM CONSILIUM DE LEGUM TEXTIBUS INTERPRETANDIS (a cura di), *Ius in vita et in missione Ecclesiae. Acta Symposii internationalis Iuris Canonici occurrente X anniversario promulgationis Codicis Iuris Canonici, diebus 19-24 aprilis*

Therefore, the Latin Church should no longer enjoy a privileged juridical status with regard to that of the other *sui iuris* Churches belonging to the Catholic Church.<sup>6</sup> As a result of history, however, there remain some peculiarities that deserve our analysis.

## **2. The terminological ambiguity of the concept of “particular Church” in Vatican II and the related consequences in the Latin and Eastern ecclesiastical organization**

The Second Vatican Council uses the expression “particular Church” to indicate in different documents two different concepts. Although it may seem a simple lack of terminological coherence, it is possible that a different ecclesiological approach is behind this.

The decree *Orientalium Ecclesiarum* no. 2 reads:

«The Holy Catholic Church, which is the Mystical Body of Christ, is made up of the faithful who are organically united in the Holy Spirit by the same faith, the same sacraments and the same government and who, combining together into various groups which are held together by a hierarchy, form separate Churches or Rites».

As will be noted, the document uses the expression “particular Churches” in the sense of a stable grouping of the faithful (of all types of faithful: laity, religious and clerics),

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1993 in Civitate Vaticana celebrati, LEV, (Città del Vaticano 1994) 692-715.

6 Cfr. A. T. KANIA, *Breathing Deeply, with One Lung: The Problem with Latin Church Dominance within the Catholic Church*, in «Australasian Catholic Record» 81/2 (2004) 198-211; L. LORUSSO, *The Recognition of Equal Dignity in Catholic Communion: The Decree Orientalium Ecclesiarum and the Code of Canons of the Oriental Churches*, in *Angelicum* 83 (2006) 451-473.

organically united by a hierarchy of its own (that is, by a group of bishops, linked by a particular bond of communion between them, with a common head in communion with the Roman Pontiff), and having its own liturgical, theological, disciplinary and spiritual patrimony. OE no. 5 adds that «the Sacred Council, (...) solemnly declares that the Churches of the East, as much as those of the West, have a full right and are in duty bound to rule themselves, each in accordance with its own established disciplines, since all these are praiseworthy by reason of their venerable antiquity, more harmonious with the character of their faithful and more suited to the promotion of the good of souls». These “Churches” can therefore be governed by their own Law: they are, that is, *sui iuris*. In sum, it is clear that the expression “particular Church” used by the OE decree contains what we now call Church *sui iuris* (cfr. also *Lumen Gentium* [LG] 13c<sup>7</sup> and *Unitatis Redintegratio* [UR] 14a<sup>8</sup>).

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- 7 «Moreover, within the Church particular Churches hold a rightful place; these Churches retain their own traditions, without in any way opposing the primacy of the Chair of Peter, which presides over the whole assembly of charity and protects legitimate differences, while at the same time assuring that such differences do not hinder unity but rather contribute toward it» (LG 13c). This passage, however, does not clearly distinguish between "Particular Church = Diocese" and "Particular Church = Patriarchate".
- 8 «Among other matters of great importance, it is a pleasure for this Council to remind everyone that there flourish in the East many *particular or local Churches*, among which the Patriarchal Churches hold first place, and of these not a few pride themselves in tracing their origins back to the apostles themselves» (UR 14a).

In the dogmatic constitution *Lumen Gentium* 23a<sup>9</sup>-b<sup>10</sup>, the concept of “particular Church” is used, instead, in the most common sense today, expressly defined by the decree *Christus Dominus* [CD] no. 11:

«A *diocese* is a portion of the people of God which is entrusted to a bishop to be shepherded by him with the cooperation of the presbytery. Thus by adhering to its pastor and gathered together by him through the Gospel and the Eucharist in the Holy Spirit, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative» (CD n. 11).

Also LG no. 23d, speaks of the ecclesiological phenomenon of the Eastern Churches, but the approach is different from that of OE:

«By divine Providence it has come about that various churches, established in various places by the apostles and their successors, have in the course of time coalesced into several *groups, organically united*, which, preserving the unity of faith and the unique divine constitution of the universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and spiritual heritage. Some of these churches, notably the ancient *patriarchal churches*, as parent-stocks of the Faith, so to speak, have begotten others as daughter churches, with

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9 «The *individual bishops*, however, are the visible principle and foundation of unity in their particular churches, fashioned after the model of the universal Church, in and from which churches comes into being the one and only Catholic Church» (LG 23 § 1).

10 «The *individual bishops*, who are placed in charge of particular churches, exercise their pastoral government over the portion of the People of God committed to their care, and not over other churches nor over the universal Church» (LG 23 § 2).

which they are connected down to our own time by a close bond of charity in their sacramental life and in their mutual respect for their rights and duties. This variety of *local churches* with one common aspiration is splendid evidence of the catholicity of the undivided Church. In like manner the Episcopal bodies of today are in a position to render a manifold and fruitful assistance, so that this collegiate feeling may be put into practical application» (LG 23d).

The difference in setting between OE and LG is therefore evident.

According to LG, the principle of unity in the particular Church (diocese) is the bishop (always in communion with the Roman Pontiff): «The individual bishops, ..., are the visible principle and foundation of unity in their particular churches » (LG no. 23a).

For LG the diocesan Church is a “Church”, a particular Church, in which the universal Church exists and operates. The other *coetus* or groupings of dioceses are not “particular Churches”, but “local Churches”, an expression of the collegial affection of the bishops. In this perspective, the Eastern Patriarchal Churches would seem almost equated with the Latin Episcopal Conferences.

According to the OE’s approach, on the other hand, universal Church is formed by the faithful grouped in “particular Churches” in communion with each other, in which the principle of unity is not the singular bishop, but a hierarchical structure (the Patriarch and the bishops of the patriarchal Church).<sup>11</sup> The origin

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11 Cf. M. BROGI, *Le Chiese sui iuris nel Codex Canonum Ecclesiarum orientalium*, in «Revista Española de Derecho Canónico» 48 (1991) pp. 520, 522; P. SZABÓ, *Opinioni sulla natura delle Chiese "sui iuris" nella canonistica odierna*, in «Folia Theologica» 7 (1996), pp. 235-247.

of this *coetus* of faithful, gathered around its own hierarchy, is usually linked to historical-sociological circumstances analogous to those that explain the birth of “nations”. This human reality, good and noble, must be brought to God in the bosom of the Universal Church, constituting itself as a *particular* (local) Church within the *Communio ecclesiarum*.

### **3. The threefold structural level of the Latin ecclesiastical organization**

For what we have said above, it is customary to say that the Latin Church has a binary hierarchical structure (the diocesan bishop and the Pope), while in the Eastern Churches there would be a ternary structure: the eparchial bishop, the higher authority of the Church *sui iuris* and the supreme authority of the Catholic Church.

Sometimes it is insisted that the responsibility of the diocesan/eparchial bishop should not be conditioned by an intermediate instance before the supreme authority of the universal Church. And for this reason it was emphasized that the Latin Episcopal Conferences do not constitute an intermediate hierarchical level between the bishops and the Roman Pontiff. In fact, the President of the Episcopal Conference and the Plenary Assembly of the Conference are not constituted as a higher authority over that of the individual diocesan bishops. The Apostolic Exhortation *Pastores Gregis*, quoting the *motu proprio Apostolos Suos*, declares that

«“Episcopal Conferences with their commissions and offices exist to be of help to the Bishops and not to substitute for them” (*Apostolos suos*,<sup>12</sup> no. 18), and

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12 JOHN PAUL II, *motu proprio Apostolos suos*, 21st May 1998, in AAS 90 (1998), pp. 641-658.

even less to create an intermediate structure between the Apostolic See and individual Bishops»<sup>13</sup>.

However, bishops do not govern in isolation from each other: the essential synodal dimension of the Church requires pastoral coordination,<sup>14</sup> especially if exercised in the service of a specific region. As Pope Francis reminds us:

«The emergence of Episcopal Conferences in the Latin Church represents one of the more recent forms in which the *communio Episcoporum* has found expression in service to the *communio Ecclesiae* grounded in the *communio fidelium*. Consequently, while fully respecting the proper power of each Bishop as pastor of the particular Church entrusted to him, Episcopal Conferences, including their regional and continental groupings, together with the relative hierarchical structures of the Eastern Churches, are presently one of the most significant means for expressing and preserving ecclesial communion in different places, together with the Roman Pontiff as guarantor of unity of faith and of communion»<sup>15</sup>.

Therefore, the Conference has in some peremptory cases competence to establish general legislative decrees that bind the individual diocesan bishops of the territory (cf. can. 455 CIC), even if the Conference does not possess this competence by itself but receives it from the supreme authority of the Church, as m.p. *Apostolos suos* recalls:

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13 JOHN PAUL II, Ap. Es. *Pastores gregis*, 16th October 2003, no. 63, in AAS 94 (2004) pp. 825-924.

14 P. GEFAELL, *The Eparchial Bishop, Shepherd of His Flock: Legal Implications*, in IDEM, *Harmonizing the Canons*, Dharmaram Publications, Bengaluru 2016, pp. 37-57 [mainly, pp. 44-47].

15 FRANCIS, Ap. const. *Praedicate Evangelium*, 19th March 2022, no. 7, in [www.vatican.va](http://www.vatican.va) [<https://bit.ly/3CHmy22>], Visited 9th October 2022.

«The binding effect of the acts of the episcopal ministry jointly exercised within Conferences of Bishops and in communion with the Apostolic See derives from the fact that the latter has constituted the former and has entrusted to them, on the basis of the sacred power of the individual Bishops, specific areas of competence»<sup>16</sup>.

It was affirmed that, «the great current peculiarity of the Eastern organization is constituted by the existence of an *intermediate level between the universal Church and the particular Churches: that of the Church sui iuris*»<sup>17</sup>. I do not think this intermediate level can be said tout court to be based on divine law<sup>18</sup>, but there is no doubt that the existence of different groupings of the faithful, gathered around a hierarchy, and corresponding to a cultural, historical, liturgical and disciplinary entity, is a fact linked to the social nature of man.<sup>19</sup> In any case, Pope Francis seems to affirm that, as in the case of the Episcopal Conferences, even in the Eastern Churches, the intermediate structure should not interpose itself between the personal responsibility of the eparchial bishops and that of the supreme authority of the universal Church:

«The attention that the present Apostolic Constitution gives to Episcopal Conferences and, correspondingly, to the hierarchical structures of the Eastern Churches, is meant to enhance their potential, without making them

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16 JOHN PAUL II, m. p. *Apostolos suos*, 21 maggio 1998, no. 13.

17 C.J. ERRÁZURIZ, *Corso fondamentale sul Diritto nella Chiesa*, vol. I, Giuffrè, Milano 2009, p. 519.

18 Cfr. J. HERVADA, *Diritto costituzionale canonico*, Giuffrè, Milano 1989, pp. 75-79.

19 Cfr. P. GEFAELL, *Ecclesia sui iuris: "ecclesiofania" o no?*, in L. OKULIK (a cura di), *Le Chiese "sui iuris": Criteri di individuazione e delimitazione*. Atti del Convegno di Studio svolto a Košice (Slovacchia), 6-7 marzo 2004, Marcianum Press, Venezia 2005, pp. 7-26.



intermediary instances between the Roman Pontiff and the Bishops, but instead being at their complete service. The competencies assigned to them in the present provisions are meant to express the collegial dimension of the episcopal ministry and, indirectly, to strengthen ecclesial communion by giving concrete expression to their joint exercise of certain pastoral functions for the good of the faithful of their respective nations or of a determined territory».<sup>20</sup>

Be that as it may, in my opinion, the structure of the Latin Church should also be considered on a par with that of the other *sui iuris* Churches, that is, with a threefold hierarchical level: 1) diocese, 2) Latin Church, 3) Universal Church. However, the identification of the higher authority of the Latin Church with that of the Primacy of the universal Church makes it difficult to distinguish this threefold structural level.

#### **4. The “Particular Church” and the “Church *sui iuris*” in CIC and in CCEO**

The CIC of 1983, in cc. 368-369, uses the expression “particular Church” in the same sense with which LG and CD use it, that is, in the sense of dioceses or equivalent structures. To indicate the same reality, the Latin Code also used the expression “Ritual Church *sui iuris*” or, more simply, the term rite. Parallel to the CIC, the CCEO can. 27 uses the phrase “Church *sui iuris*” to designate what the OE decree calls “particular Churches or *rites*”. In current terminology, in fact, “Churches *sui iuris*” indicates «a group of Christian faithful united by a hierarchy according to the norm of law which the supreme authority of the Church expressly or tacitly recognizes as *sui iuris*» (can. 27

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20 FRANCESCO, cost. ap. *Praedicate Evangelium*, n. 9.

CCEO).<sup>21</sup> For the sake of terminological uniformity with Latin law, therefore, the CCEO has reserved the name of “particular Church” to the *eparchy*, which is the equivalent of the Latin *diocese* (cf. can. 177 § 1 CCEO).

The motu proprio *De concordia inter Codices* (31<sup>st</sup> May 2016),<sup>22</sup> opted for the use of a single expression to designate what the CIC initially called indiscriminately “ritual” Church (cf. cc. 111 § 1 and 112 § 2, 3<sup>o</sup>), Church “ritual *sui iuris*” (cf. cc. 111 § 2 and 112 § 1) or more simply “rite” (cf. can. 383 § 2). The CCEO, in fact, uses only the expression “Church *sui iuris*”, because this hierarchical figure (despite having its own ritual patrimony) is not a rite, but an organizational structure.<sup>23</sup> With the *De concordia inter Codices*, therefore, the terminology was

- 21 On the criteria for the "identification" of the Churches *sui iuris*, cf. P. GEFAELL, *Determinazione dello stato di Chiesa sui iuris*, in *Iura Orientalia* 6 (2010) 109-122 ([www.iuraorientalia.net](http://www.iuraorientalia.net)). The recognition of an ecclesial reality as a Church *sui iuris* can be done by the Apostolic See in an express or in a tacit way. It is not easy, however, to understand what the technical mechanisms are to carry out this recognition (it seems to us that inclusion in the *Annuario Pontificio* is not enough, because experience shows that it is a changing criterion).
- 22 Promulgated by publication in *L'Osservatore Romano* of 16 September 2016. The text can also be found in [w2.vatican.va](http://w2.vatican.va) [<http://bit.ly/37g7beK>], visited on 20 January 2020. See also J's comments. ABBASS, *The Concordia inter Codices: A Commentary*, in *Studia Canonica* 50 (2016) 232-345.
- 23 Cf. PONTIFICAL COMMISSION CODEX IURIS CANONICI ORIENTALIS RECOGNOSCENDO, *Guiding Principles for the Revision of the Code of Eastern Canon Law*, in *Nuntia* 3 (1976) 7. Cf. also, I. ŽUŽEK, What is a Church, an "Eastern Rite", in *Seminarium* 28 new series 15/2 (1975) 263-277 (here p. 273); G. NEDUNGATT, *The Spirit of the Eastern Code*, Centre for Indian and Inter-religious Studies (CIIS) - (Dharmaram Publications, Bangalore 1993) 71; P. GEFAELL, *The Churches sui iuris: "Ecclesiofania" or not?*, in L. OKULIK (ed.), *The Churches "sui iuris": Criteria for identification and delimitation*. Atti del Convegno di Studio svolto a Košice (Slovakia), 6-7 marzo 2004, Marcianum Press, Venezia 2005, pp. 7-26 (qui p. 13).

standardized in cc. 111, 112, 535 § 2 and 1109 of the CIC. There are still, however, some canons in which perhaps it would be appropriate to proceed to the same standardization (cf. CIC cc. 383 § 2, 450 § 1, 476, 518, 1015 § 2, 1021), while in others the term “rite” could be kept, because it refers more specifically to the liturgical ritual dimension (cf., for example, can. 214 CIC). Finally, in can. 1127 § 1 CIC would be more consistent to replace the expression “non-Catholic party of the Eastern Rite” with the phrase “party belonging to a non-Catholic Eastern Church”.

## 5. “Rite” and “Tradition”

In the past, the term “rite” has often been used to designate an Eastern Church *sui iuris*. This use, however, is not entirely correct, because the organizational structure should not be confused with the rite. A particular Church, in fact, is not a rite, but has a rite.

The CCEO can. 28 § 1 states that «a rite is the liturgical, theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each Church *sui iuris*». According to this definition, therefore, each Church *sui iuris* has its own rite, consisting not only of the liturgical and disciplinary aspects, but also of the cultural and historical heritage that gives a people its own national identity.

To establish what the rite of a Church is, therefore, it is not enough to rely on the tradition to which it belongs. In the Catholic Church, in fact, in addition to the Roman Latin *tradition*, there are five primary Eastern traditions, listed by the CCEO in can. 28 § 2: Alexandrian, Chaldean, Antiochian, Armenian and Constantinopolitan (or Byzantine). From these traditions are born the different rites, each of which is proper to a people or a nation.

The Latin Church in this sense is peculiar, because it has within it different liturgical rites (Roman, Ambrosian, Mozarabic, without mentioning those that no longer exist), but all these are integrated into the one Latin ecclesial structure and under the same Code of (Latin) Canon Law.

## 6. The Latin Church as “Church *sui iuris*”?

After examining canons 27 and 28 of the CCEO, one might wonder whether or not the Latin Church falls within the above concept of Church *sui iuris*<sup>24</sup>. In 2011 the PCTL answered this question authoritatively, stating that

«the characteristics of the Latin Church, although not totally coinciding with those of the Church *sui iuris* outlined in cann. 27 and 28 § 1 of the CCEO, are nevertheless substantially similar in this regard».<sup>25</sup>

Unlike the Eastern *Churches sui iuris*, in fact, Latin Church is composed of a multiplicity of “peoples”, each with its own culture, its own history and its own social identity. The “Latin rite”, therefore, does not entirely coincide with the concept of “rite” established by can. 28 CCEO. It cannot be denied, however, that Latin Church is one of the “Churches” that make up Catholic Church, as it is a grouping of the faithful united around their own hierarchy (cf. can. 27 CCEO). This Church is governed by a law of its own, legitimately recognized

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24 See. J. D. FARIS, “*The Latin Church sui iuris*”, in *The Jurist* 62 (2002) 280-293.

25 «...le caratteristiche della Chiesa latina, pur non coincidendo totalmente con quelle della Chiesa *sui iuris* delineate nei cann. 27 e 28 § 1 del CCEO, risultano tuttavia, a questo riguardo, sostanzialmente somiglianti». PONTIFICIO CONSIGLIO PER I TESTI LEGISLATIVI, *Nota esplicativa quoad can. 1 CCEO*, 8th December 2011, in *Communicationes* 34 (2011) 315-316.

by the Supreme Authority (CIC, particular laws of the Episcopal Conferences, etc.). It must be recognized, however, that his special bond with the Roman Pontiff,<sup>26</sup> who is also the Supreme Authority of the Catholic Church, makes the “autonomy” of the Latin Church appear less evident (for example, in what concerns the appointment of bishops, legislative capacity, etc.).

## **7. The universal territorial ambit of the power of the head of the Latin Church**

We know that cc. 78 § 2 and 150 § 2 of CCEO, based on the conciliar decree *Orientalium Ecclesiarum* no. 9, establish that the jurisdiction of the Head (Patriarch, Major Archbishop, etc.) and that of the Collegial Higher Episcopal Body (Episcopal Synod, Council of Hierarchs, etc.) of an Eastern Church can be validly exercised only within the territory of that Church.

The criterion of the territorial limits of the jurisdiction of the authority of a Church belongs to the ancient tradition (cf. can. 2 of the First Constantinopolitan Council),<sup>27</sup> and was introduced to

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26 It would be too long to discuss here about the qualification or not of the Roman Pontiff as "Patriarch". Cfr. PONTIFICAL COUNCIL FOR CHRISTIAN UNITY, *Comunicato circa la suppressione del titolo "Patriarca di Occidente" nell'Annuario Pontificio, 22nd March 2006*, in [www.cristianunity.va](http://www.cristianunity.va) [<https://bit.ly/3RNCMek>], visited 9th October 2022.

27 Council of Constantinople I, can. 2: «The bishops of a diocese should not intervene in churches located outside its borders, nor should they throw them into disorder; but according to the canons, the bishop of Alexandria administers only what concerns Egypt, the bishops of the East only the East, without prejudice to the privileges of the church of Antioch contained in the canons of Nicaea; the bishops of the diocese of Asia administer only Asia, those of Pontus only Pontus, and those of Thrace, unless they are called, the bishops should not leave their diocese for ordinations and other acts of their ministry. According to this canon it is clear that the questions of a province will have to be regulated by the synod of the same province, according to the decisions of Nicaea. The churches of

avoid interference in the pastoral care of the other ecclesiastical circumscriptions.

Today, because of the widespread diaspora of the faithful of the Eastern Churches, a request has been made to the Roman Pontiff on several occasions to extend to the whole world the jurisdiction of the Churches *sui iuris*, at least of the patriarchal ones.<sup>28</sup> The proposal, however, was never accepted.

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God founded among the barbarian peoples are to be governed according to the customs introduced by our fathers.» ALBERIGO G.–DOSSETTI G.L.–JOANNOU P.-P. (a cura di), *Conciliorum Oecumenicorum Decreta*, EDB, Bologna 1991. My translation.

- 28 On this topic see the following studies: I. ŽUŽEK, *Canons concerning the authority of Patriarchs over the faithful of their own rite who live outside the limits of patriarchal territory*, in *Nuntia* 6 (1978) 3-33; C. VASIL', *Modificazioni nell'estensione della potestà dei patriarchi: identificazione dei limiti della loro competenza amministrativa secondo il CCEO*, in *Folia Canonica* 5 (2002) 293-304; D. LE TOURNEAU, *La potestas regiminis du patriarche sur ses fidèles qui resident en dehors du territoire de l'Église patriarcale*, in CONGREGAZIONE PER LE CHIESE ORIENTALI (a cura di), *Ius Ecclesiarum vehiculum caritatis*. Proceedings of the international symposium for the tenth anniversary of the entry into force of the *Codex Canonum Ecclesiarum Orientalium, Vatican City 19-23 November 2001*, edited by S. Agrestini and D. Ceccarelli Morolli, LEV, Vatican City 2004, pp. 825-835; A. SODANO, *Discorso ai partecipanti al Simposio*, in *ibid.*, pp. 587-591 (in particular p. 590); L. LORUSSO, *Estensione della potestà patriarcale e sinodale in diaspora: designazione dei vescovi, erezione di circoscrizioni ecclesiastiche, clero uxurato*, in L. OKULIK (ed.), *Nuove terre e nuove Chiese. Le comunità di fedeli orientali in diaspora*, Venezia 2008, pp. 101-124; P. PALLATH, *The principle of territoriality according to eastern Catholic canon law*, in *Justitia* II/2 (2011) 339-364; O. CONDORELLI, *Giurisdizione universale delle Chiese "sui iuris"? Tra passato e presente*, in P. GEFAELL (a cura di), *Cristiani orientali e Pastori latini*, Giuffrè, Milano 2012, pp. 33-106; G.P. MONTINI, *La territorialità della Chiesa patriarcale (can. 78 §2 CCEO). Il presupposto degli ordinariati per fedeli orientali in territorio latino*, in *Quaderni di diritto ecclesiale* 28 (2015) 10-15.

Those who ask for universal extension argue, among other reasons, that the Latin Church has universal jurisdiction and therefore all the Churches *sui iuris* should have equality in this field as well. In fact, the head of the Latin Church can establish ecclesiastical circumscriptions throughout the earth and the laws he enacted can be “universal”, that is, bind everywhere all those for whom they have been given (cf. can. 12 § 2 CIC). However, this is due to the fact that the head of the Latin Church is the Roman Pontiff who also inseparably invests the primatial office for the whole Catholic Church. As the supreme authority of the Catholic Church, the Roman Pontiff can exercise his jurisdiction anywhere, as he does with regard to the affairs of the other Churches *sui iuris* outside their own territory. However, the peculiarity is that, because of the inseparable coincidence existing in the Bishop of Rome of the role of Supreme Authority of the Catholic Church and Head of the Latin Church, the Latin Church does not have a “territory of its own”, as the other Churches *sui iuris* have.

From the theological point of view, we do not believe there are reasons against a possible universal extension of the jurisdiction of the other Churches *sui iuris*, because, as has been said, they are not properly “particular Churches”,<sup>29</sup> but complementary structures to the particular Churches. There are, however, some concrete situations in which, in our opinion, the exercise of power by the Patriarch and the Synod would be very complicated. For example, in the many territories where there is not even an Exarchate of a given Church, the Patriarch should personally play the role of Hierarch (cf. can. 101 CCEO), with all the related responsibilities, which it would not be easy to fulfill in remote places of the world. The local Ordinaries/Hierarchs of the other Churches (especially of the Latin one), moreover, would automatically lose jurisdiction over the faithful of that Church, and one would pass from the

29 One of the objections to the aforementioned request was precisely that a “particular universal Church” would be a contradiction.

situation contemplated by can. 916 § 5 CCEO to that envisaged in § 4 of the same canon, so that the Patriarch would have to establish agreements with each of them to determine who will be the parish priest of his subjects in those territories, etc.

As we know, establishing with certainty who is the competent authority over the faithful domiciled in a given territory is important for many aspects of ecclesial and sacramental life, for example to determine the validity of the celebration of a marriage.<sup>30</sup>

## **8. The missionary vocation of the Latin Church and of the other Churches *sui iuris***

As we said at the beginning, the conciliar decree *Orientalium Ecclesiarum* no.3 affirms that all the Churches, both of the East and of the West, «enjoy the same rights and are under the same obligations, also in respect of preaching the Gospel to the whole world». It seems an obvious phrase, but history teaches us that, after the first millennium and until recent times, the Latin Church has had an almost “exclusivity” in missionary action. The Eastern Churches, for centuries, have not been able to carry out evangelization of new territories, limiting themselves to the “preservation” of what they had.

In addition to the already mentioned erroneous identification between the Catholic Church and the Latin Church, the claim of missionary exclusivity could also be mistakenly due to the belief that, having to be under the direction of the Roman Pontiff (cf. OE 3), the preaching of the Gospel throughout the world should be offered only in the rite of the diocese of which he is bishop. The confusion of this approach is evident. Thanks to Vatican II, this should be considered overcome, although in some people mental barriers are still present.

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30 Cf. P. GEFAELL, *L'ambito territoriale della giurisdizione dei patriarchi orientali. Riflessi sulla forma canonica del matrimonio*, in *Ius Ecclesiae* 5 (1993) 245-268.



## 9. The circumscriptions of the Latin Church and the Eastern Churches coexisting on the same territory

Circumscriptions of the Latin Church are present in almost the entire geography of the planet, and mainly in the countries of the so-called “West”. In many places circumscriptions have also been erected for the pastoral care of the Eastern faithful domiciled there<sup>31</sup>. I cannot linger to deal with all aspects of the relationship between the Latin and Eastern circumscriptions existing on the same territory, but it is interesting to emphasize that – in my opinion – the idea of considering the Latin circumscription (diocese, etc.) as the truly primary one while the eastern circumscription only secondary must be overcome. In this sense, the Ordinary/Hierarchy “of the place” is not only the Latin one, but also the Oriental one, each referring to his subjects. As you know, can. 916 § 1 CCEO indicates that, through the domicile, each Christian faithful obtains his Hierarchy of the place “of the Church *sui iuris* to which he is ascribed”. This is not indicated in the parallel can. 107 § 1 CIC, because it is addressed only to the Latin Church, but one should not lose sight of the fact that, if there are other Eastern circumscriptions on the territory, the Ordinary of the Latin place is only for the Latin faithful.

## 10. Hierarchical Structure of the Latin Church

We have almost reached the end of our contribution. It now remains only to indicate briefly how the Latin Church is hierarchically structured, which I believe is already well known.

The distinction between eparchies (can. 177 CCEO) and exarchates (cf. can. 311 CCEO) that exists in modern Eastern law, also exists in the Latin Church between the diocese (can.

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31 F. J. MARINI, *The Establishment of New Eastern Jurisdictions in the West*, in CANON LAW SOCIETY OF AMERICA (ed.), *Proceedings of the Sixty-Seventh Annual Convention*, (CLSA 2005) 163-176.

369 CIC) and the various other non-diocesan circumscriptions: territorial prelature, territorial abbey, apostolic vicariate, apostolic prefecture, permanently established apostolic administration (cf. can. 368 CIC), personal prelature (can. 294 CIC) and other extra-codicial ecclesiastical circumscriptions (military ordinariate,<sup>32</sup> ordinariate for Anglicans,<sup>33</sup> Latin [?] ordinariate for Oriental faithful without their own Hierarchy<sup>34</sup>, personal apostolic administration<sup>35</sup>). It is seen, therefore, that the modern figure of the exarchate in Eastern Catholic Canon Law (not so in Orthodox Canon Law) appears as an elastic pastoral structure that can include all those who «because of special circumstances, [are] not erected as an eparchy» (can. 311 § 1 CCEO), while in Latin law the different non-diocesan structures are specifically distinguished from each other.

In the Latin Church, dioceses are gathered in ecclesiastical provinces (can. 431 CIC), these can be joined in ecclesiastical

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32 JOHN PAUL II, Ap. Const. *Spirituali Militum Curae*, in AAS 78 (1986) 481-486.

33 BENEDICT XVI, Ap. Const. *Anglicanorum coetibus*, 4th November 2009, in AAS 101 (2009) 985-990.

34 «The Ordinariates [for the Eastern faithful] began with the Apostolic Letter *Officium supremi Apostolatus* of 15th July 1912.» (*Annuario Pontificio* 2005, p. 1823). Some authors think that this kind of Ordinariate belong to the Latin ecclesiastical organization (cf. J.I. ARRIETA, *Diritto dell'organizzazione ecclesiastica*, Giuffrè, Milano 1997, p. 365), but this can be open to discussion (cf. P. GEFAELL, *Enti e Circoscrizioni meta-rituali nell'organizzazione ecclesiastica*, in H. ZAPP - A. WEISS - ST. KORTA (eds.) *"Ius canonicum in oriente et occidente"*. *Festschrift fuer Carl Gerold Fürst zum 70. Geburtstag*, («Adnotationes in Ius Canonicum» 25), Peter Lang, (Frankfurt/M. 2003) 493-508 [here, p. 506]; IDEM, *Gli Ordinariati per gli orientali in Spagna, Argentina e Brasile*, in RUYSSSEN G. (a cura di), *Circoscrizione ecclesiastiche erette nella forma dell'Ordinariato*, *Pontificio Istituto Orientale & Valore Italiano*, (Roma 2020) 165-182.

35 CONGREGATION FOR BISHOPS, *Decree on the Establishment of the Personal Apostolic Administration "Saint John Mary Vianney" ("Animarum bonum")*, 18th January 2002, in [www.adapostolica.org](http://www.adapostolica.org) [<https://bit.ly/3ECbN2i>], visited 9th October 2022.

regions if it seems advantageous (can. 433 CIC), but necessarily in Episcopal Conferences (can. 447 CIC), which are usually for the territory of a national state but can also be infra or supra national (cf. can. 448 § 2 CIC).

It should be emphasized that the Roman Curia is not the patriarchal curia of the Latin Church *sui iuris*, but an organ at the service of the universal Church<sup>36</sup>, even if in its organization its Dicasteries are often addressed only to the juridical affairs of the Latin Church.<sup>37</sup> Several authors had already observed this problem.<sup>38</sup>

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36 «The Roman Curia is the institution that ordinarily assists the Roman Pontiff in exercising his supreme pastoral office and universal mission in the world.» FRANCIS, apostolic constitution. *Praedicate Evangelium*, 19th March 2022, Part III, Art. 1, in *L'Osservatore Romano* 31st March 2022, [www.osservatoreromano.va](http://www.osservatoreromano.va) [<https://bit.ly/3y6jHOo>]; also in [www.vatican.va](http://www.vatican.va) [<https://bit.ly/3fVGu8o>], visited 9th October 2022.

37 In some cases, this is explicitly said for all the affairs of the Dicastery: for example, the Dicastery for Bishops concerns only the Latin bishops (PE, III, Art. 103); or the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life, which concerns only the Latin ones (cf. PE, III, Art. 121). In other cases, the competence over the Orientals is limited to one type of matters: for example, the Dicastery of the Clergy is clearly competent over the Orientals with regard to cases of dispensation from the obligations assumed with ordination to the diaconate and the presbyterate (PE, III, Art. 116 § 2), while for other matters its competence seems to be affirmed but in agreement with that of the Dicastery for the Oriental Churches (cf. PE, III, Art. 116 § 1) or even relies entirely on it (cf. PE, III, Art. 119). The Dicastery for Divine Worship would appear competent over the sacred liturgy of all rites (cf. PE, III, Art. 88), but the norms seem to refer only to the Latin liturgy (cf. PE, III, Art. 8 9-97). In regard to the Dicastery for Oriental Churches, «the proper and exclusive competence of the Dicasteries for the Doctrine of the Faith, the Causes of Saints, and Legislative Texts, as well as that of the Apostolic Penitentiary, the Supreme Tribunal of the Apostolic Signatura and the Tribunal of the Roman Rota, always remains intact" (PE, III, Art. 84 § 2).

38 See, for example, J. ABBASS, *The Code of Canons of the Eastern Churches and recent Roman Documents*, in A. AL-AHMAR – A. KHALIFÉ – D. LE TOURNEAU (éds.), *Acta Symposii Internationalis*

Beyond the questions dealt with here, and despite the delicate problems, all the members of the Churches within the communion of our Mother the Catholic Church, should look at each other with empathy and collaboration «so that mutual goodwill, esteem and unity of action ... is fostered, and so that the variety of rites does not harm the common good of the society in which they live, but rather may daily lead more to the same good» (CCEO can. 401). Let's pray for this.

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*circa Codicem Ecclesiarum Orientalium, Kaslik 24-29 aprilis 1995,*  
Université Saint-Esprit de Kaslik, Kaslik (Lebanon) 1996, pp. 121-157.



## Hierarchical Structure in the Code of Canons of the Eastern Churches

George Thekkekara\*

The structure of any organization should reflect its mission and vision. For a successful mission, there shall be a formal structure to define, direct and coordinate it. So is the hierarchical structure in the Church, which tends to perpetuate the visible reality of God's Kingdom on earth.<sup>1</sup> In Catholic terminology, hierarchy refers to the Church authorities like the Pope, the Patriarchs or the Bishops. The hierarchical structure refers to the mode of exercise of "sacred power" in the Church. The Church is considered a perfect society and

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1 Etymologically the term "Hierarchy" originates from the Greek "*ιεράρχης*" (*hierarches*), which is a combination of two Greek words: *ιερός*, meaning "holy, sacred, supernatural or powerful" and *ἀρχή*, meaning "rule, dominion, power". "Hierarchy" means "holy, sacred or supernatural power". A hierarch is "a religious leader holding high office or vested with controlling authority." See *Webster's Third New International Dictionary*, Könnemann, Cologne, 1993, "hierarchy". The Webster's Dictionary defines hierarchy as "an authoritarian body of religious officials organized by rank and jurisdiction."

communion of the people of God. However, a juridical power of governance is necessary to guide and direct its activities. This power of governance<sup>2</sup> in the Church is divinely willed and instituted (CCEO c. 979 §1) and is entrusted to those who have received sacred orders. Other faithful can cooperate in this exercise according to the norms of law (CCEO c. 979 §2). This power, exercised through the various offices in the Church, is intended for the pastoral care of the faithful and ultimately has a spiritual end (c. 936 §1).

The hierarchical function in the Church is meant for service. The one who presides is the principle of unity in a local church.<sup>3</sup> He is, first of all, a member of the community. As St. Augustine says: "I am a bishop for you and a Christian with you." The Vatican Council II teaches: "Ministers who are endowed with sacred power are at the service of their brothers and sisters, so that all who belong to the people of God and therefore enjoy real Christian dignity, by cooperating freely and in an orderly manner in pursuit of the same goal, may attain salvation" (LG 18). Through baptism all share a common dignity, equality, and charisms (LG 12).<sup>4</sup> Some are, however, appointed teachers, shepherds, not "*over*" but "*on behalf of*" (for the service of) others (LG 32). Instead of the linear or pyramidal model of the Church, the circular model better helps us understand what the Church is. There is mutual service and interdependence among the faithful in whatever office or state. This service and interdependence

2 This power is distinguished as legislative, executive and judicial (CCEO c. 985 §1).

3 This unity, visible at different levels of hierarchy, does not exclude different jurisdictions at the same place over the faithful of different Churches *sui iuris*.

4 See CCEO c. 11: "Based on their rebirth in Christ there is truly an equality of dignity and activity among all the Christian faithful. In virtue of this dignity they all cooperate, each according to his or her own condition and function, i.e., the building up of the body of Christ."

will lead to co-responsibility and real communion, eventually contributing to the Church's growth.<sup>5</sup>

Catholic ecclesiology highlights two critical points related to hierarchy: the apostolic succession and the apostolic Tradition of the Church. Apostolic succession is the sign of the Church's authenticity, founded by Christ on the apostles with Peter as their head. Christ himself remains the cornerstone. He sent his apostles to preach the Gospel to all nations. They were fully confirmed in this mission on Pentecost (Ac 2: 1-36). Since this mission was to be continued till the end of the world, the apostles appointed their successors within this hierarchically structured society (LG 20). The Tradition includes the teachings of the Apostles and the Church fathers, and the way of life evolved in the early Church. For example, the Catechism of the Catholic Church (CCC) teaches: "In order that the full and living Gospel might always be preserved in the Church, the apostles left bishops as their successors. They gave them their position of teaching authority.... This living transmission, accomplished in the Holy Spirit, is called Tradition, since it is distinct from Sacred Scripture, though closely connected to it" (CCC 77, 78).<sup>6</sup>

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5 Vatican II teaches: "for the nourishment and continual growth of the people of God, Christ instituted a variety of ministers which are directed towards the good of the whole body. Ministers who are endowed with sacred power are at the service of their brothers and sisters... so that they may attain salvation" (LG 18).

6 *Catechism of the Catholic Church* (CCC) further clarifies the distinction between these two as follows: "Sacred Scripture is the speech of God as it is put down in writing under the breath of the Holy Spirit. [Holy] Tradition transmits in its entirety the Word of God which has been entrusted to the apostles by Christ the Lord and the Holy Spirit. It transmits it to the successors of the apostles so that, enlightened by the Spirit of truth, they may faithfully preserve, expound and spread it abroad by their preaching" (DV 9; CCC 81). Unlike the Protestant Churches, the Catholic Church places equal importance on scripture and Tradition.

These two elements authenticate the Church as a hierarchically structured society.

## 1. Tripartite Ecclesiastical Structure in the Eastern Code

The hierarchical structure of the Church is arranged differently in the Eastern and Latin Churches. The latter has a bipartite hierarchical structure involving the universal Church and the particular Church<sup>7</sup> in the sense of an eparchy.<sup>8</sup> However, though the universal Church is objectively one, it is a communion of different Churches *sui iuris*, a “corpus Ecclesiarum”, as mentioned in *Lumen Gentium* 23.<sup>9</sup>

The ecclesiology of Vatican Council II distinguishes between the universal, particular and local Churches. The universal Church, though not defined as such, refers to the whole people of God across the entire world under the guidance of the Roman Pontiff and the college of bishops (LG 9, 13, 17, 22; CD 10, 23; OT 2; PO 11; AG 26). It is a universal communion of all “fully incorporated into the society of the Church.” The visible signs of this “full incorporation” are the profession of faith, sacraments, and union with the visible structure, evident from the communion with the Roman Pontiff and the bishops

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7 LG 23 uses the term “particular Church” to mean an eparchy and the term “local Church” to mean a Church *sui iuris*, whereas LG 13 uses the term “particular Churches” in the sense of a Church *sui iuris*. The documents of Vatican Council II does not make a clear distinction between the terms particular and local Churches.

8 Though the episcopal conferences are intermediary structures in the Latin Church, these cannot be compared with the intermediary hierarchical structure of a particular Church *sui iuris*. Moreover, the episcopal conferences do not have the powers and functions as that of the synod of bishops in a patriarchal or major archiepiscopal Church.

9 See George Nedungatt, “Ecclesia, Universalis, Particularis, Singularis,” in *Nuntia* 2 (1976) 75-87.



(LG 14). At the same time, the Vatican Council II acknowledges and praises the “variety of local Churches with one common aspiration” as “splendid evidence of the catholicity of the undivided Church” (LG 23).

The same decree acknowledges the divine providence behind such a development. By the same divine providence new Churches emerged from the ancient patriarchal Churches as daughter Churches. In the decree on the Oriental Churches, the Vatican Council II gives due importance to this variety in the heritage of the Church and admits that this diversity does not harm the unity of the Church but rather manifests it (OE 2). Moreover, OE underlines the unifying role of the Roman Pontiff in the universal Church, which is also the basis for the equal dignity of the different Churches *sui iuris*.<sup>10</sup>

The Latin Code deals with the hierarchical constitution of the Church in Book II, Part II. Section one deals with the supreme authority in the Church, and section two deals with the particular Churches (dioceses) and their groupings. The Eastern Code deals with these matters in Titles III and VII. Between these titles, we see titles IV (*De Ecclesiis Patriarchalibus*), Title V (*De Ecclesiis Archiepiscopalibus Maioribus*) and Title VI (*De Ecclesiis Metropolitanis Ceterisque Ecclesiis Sui Iuris*), which are specific to the Eastern Code.

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10 OE 3: “Such individual Churches, whether of the East or of the West, although they differ somewhat among themselves in what are called rites ... are, nevertheless, each as much as the others, entrusted to the pastoral government of the Roman Pontiff, the divinely appointed successor of St. Peter in primacy over the universal Church. They are consequently of equal dignity, so that none of them is superior to the others as regards rite and they enjoy the same rights and are under the same obligations, also in respect of preaching the Gospel to the whole world (cf. Mk. 16:15) under the guidance of the Roman Pontiff”: [https://www.vatican.va/archive/hist.councils/ii\\_vatican\\_council/documents/vat-ii\\_decree\\_19641121\\_orientalium-ecclesiarum\\_en.html](https://www.vatican.va/archive/hist.councils/ii_vatican_council/documents/vat-ii_decree_19641121_orientalium-ecclesiarum_en.html).

## 2. The Supreme Authority in the Church

There are two subjects for the supreme authority in the Catholic Church: the Roman Pontiff and the College of Bishops. Roman Pontiff, by his office as successor of Peter, has supreme, full, immediate and universal ordinary power in the Catholic Church, which he is always able to exercise freely (c. 43). So also the college of bishops by sacramental ordination and hierarchical communion with the head of the college and its members, together with its head and never without this head, is also the subject of supreme and full power over the entire Church (c. 49). This power is exercised solemnly in an ecumenical council (c. 50 §1) and in an ordinary manner when the Roman Pontiff invites the bishops of each diocese to act collegially, or their action is recognized as collegial by the Roman Pontiff (c. 50 §2). Therefore, the Roman Pontiff, by his office or the college of bishops, either gathered in an ecumenical council or dispersed throughout the world, has the supreme power according to the norm of law.

The Roman Pontiff has immediate and ordinary power over all the Churches *sui iuris* (c. 45 §1). The authority of the Roman Pontiff is evident in the very origin of a Church *sui iuris*, for only with the express or tacit recognition of the supreme authority of the Church a Church *sui iuris* obtains that status (c. 27).<sup>11</sup>

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11 Though the ecumenical councils are also intended by the term “supreme authority” the college of bishops cannot exercise their supreme authority without the head. However, the Roman Pontiff can exercise his supreme authority personally, without the active involvement of the college of bishops but keeping the bond of communion with them (c. 45 §2). Though the ecumenical council has the supreme power in the Church, the Roman Pontiff decides the matters to be discussed in an ecumenical council and confirms its decrees. These decrees lack any force unless promulgated at the order of the Roman Pontiff (c. 54 §1). The decrees issued by the college of bishops, not gathered in an ecumenical council, get obligatory force when they are confirmed by the Roman Pontiff and promulgated at his order (c. 54 §2).

The power of governance of the Roman Pontiff is supreme, ordinary, full and immediate. He is the supreme legislator of the universal Church and has full and immediate legislative power. In ecclesiastical matters, no superior legislative authority is above that of the Roman Pontiff.<sup>12</sup> On account of this primatial power, he can legislate on any matter related to the governance of the universal Church or particular Churches; a.v., this power embraces all the phases of the mission and life of the Church, i.e., those of faith, morals, sacramental life, discipline and governance.<sup>13</sup> This legislative power “belongs to the Roman Pontiff not as a physical person but in so far as he is the incumbent of the primatial office.”<sup>14</sup> He may even delegate this law-making power (c. 985 §2; CIC c. 135 §2).<sup>15</sup> However, nobody else can validly make or modify laws regarding the universal Church when the Apostolic See is vacant.<sup>16</sup> This idea is already implied in canon 47 of the Eastern Code, which prohibits any alteration in the governance of the entire Church when the Roman See

12 In the legislation of the Latin Church, making recourse against an act of the Roman Pontiff in an ecumenical council or the college of bishops is considered as a delict which is to be punished with a censure (CIC c. 1372). There is no corresponding canon in CCEO.

13 Davide Cito, “Il Papa supremo Legislatore,” *Quaderni di Diritto Ecclesiale* (QDE) 13 (2000) 32-45, p. 37.

14 Davide Cito, “Il Papa supremo Legislatore,” QDE 13 (2000), p.36.

15 Canon law, however, forbids a legislator below the supreme authority to delegate this power, unless the common law provides otherwise (CCEO c. 985 §2; CIC c. 135 §2).

16 “During the vacancy of the Apostolic See, laws issued by the Roman Pontiffs can in no way be corrected or modified, nor can anything be added or subtracted, nor a dispensation be given even from a part of them, especially with regard to the procedures governing the election of the Supreme Pontiff. Indeed, should anything be done or even attempted against this prescription, by my supreme authority I declare it null and void”: *Universi dominici gregis*, art. 4: [https://www.vatican.va/content/john-paul-ii/en/apost\\_constitutions/documents/hf\\_jp-ii\\_apc\\_22021996\\_universi-dominici-gregis.html](https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_22021996_universi-dominici-gregis.html), accessed on 25.11.2022.

is vacant. So also, the laws enacted by this authority cannot be changed unless by the same authority, and no other inferior legislative authority can validly contradict the laws established or promulgated by the supreme authority of the Roman Pontiff (c. 985 §2). The supreme nature of this power is further evident from the fact of the universally binding nature of these laws: “The laws issued by the supreme authority of the Church bind everywhere all those for whom they were enacted, unless they were established for a particular territory” (c. 1491 §1) Even if a passive subject is not indicated, these laws affect the Eastern Churches, if they concern matters of faith or morals or declarations of divine law, explicitly decide questions regarding these Christian faithful, or favours which contain nothing contrary to the Eastern rites (CCEO c. 1492). So too, the disciplinary laws and decisions made by the synod of bishops of a patriarchal Church, once approved by the Apostolic See of Rome, become universally binding. Otherwise, these laws and decisions will have force only within the territorial boundaries of the patriarchal or major archiepiscopal Church (c. 150 §2, 3).

The Roman Pontiff is the promulgator of the laws binding the Church universally, or the whole Latin Church or Eastern Churches. Thus he is the legislator of the *Codex Iuris Canonici* for the Latin Church, the *Codex Canonum Ecclesiarum Orientalium* for the Eastern Catholic Churches and the *Praedicate evangelium*, the norms over the Roman Curia, for the entire Church. So also, the Roman Pontiff establishes norms for canonising the servants of God (c. 1057).<sup>17</sup> Moreover, the legislation on or

17 CIC-1917 contained norms for beatification and canonization (*Liber IV*, pt. II: *De causis beatificationis servorum Dei et canonizatione beatorum*, cann. 1999-2141). These norms are absent in CIC-1983 and CCEO. The special norms are: Ap. const. *Divinus perfectionis Magister*, January 25, 1983: AAS 75 (1983) 349-355; *Normae servandae in inquisitionibus ab episcopis faciendae in causis Sanctorum*: AAS 75 (1983) 396-403; *Decr. General De servorum Dei causis*, AAS 75 (1983) 403-404.

approving specific matters is reserved to the supreme authority. For example, to approve or define those things necessary for the validity of sacraments (c. 669) or establishing new impediments for receiving or exercising the sacred orders (c. 764). Penal laws binding the universal Church can be established only by the supreme authority (c. 1405 §1). Only with the involvement of the supreme authority of the Church can others legislate on interecclesial or inter-ritual matters. It was one of the reasons for the promulgation of the CCEO by the Roman Pontiff. It was an expression of the supreme legislative authority of the pope.<sup>18</sup> Since the legislator (or the one to whom the legislator has conferred the power) interprets law authentically (c. 1498 §1), the Roman Pontiff is the authentic interpreter of the *Corpus Iuris Canonici* of the Catholic Church. This function is entrusted to the Dicastery for Legislative Texts.

Roman Pontiff could enact particular laws concerning a particular Church or a group, either personally or through various dicasteries of the Roman Curia. In CCEO, there are references to particular laws promulgated by the Supreme Authority of the Church, which are expressed by the terms “*a Romano Pontifice statutum*”, “*a Sede Apostolica statutum*,” and so on. For example, the canons regarding the ascription of the faithful in Churches

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18 In fact the members of the Commission had suggested that the heads of the Oriental Churches are to be considered as the co-legislators, who may promulgate the code together with the Roman Pontiff. It was to avoid the impression that the Eastern Code is an “imposé par Rome”. The response of the *coetus* was that “The common legislation of all the Oriental Churches can only be the act of the supreme authority of the Church.” In the reply, they quoted the words of Pope Paul VI in his allocution to the first plenary session of the members on 18 March 1974: “*Viri Commissioni addicti ipsarum legum sunt ordinatores, non auctores seu factores*”: AAS 66 (1974) 247; *Nuntia* 28 (1989) 7. See also George Nedungatt, *The Spirit of the Eastern Code*, Rome, Centre for Indian and Inter-religious Studies, 1993, pp. 46-47.

*sui iuris* (c. 29) and the competence of the metropolitan of a metropolitan Church *sui iuris* (c. 159).

Roman Pontiff exercises administrative power mainly through the dicasteries of the Roman Curia. The administrative power of patriarchs, metropolitans, or bishops is territorially limited or limited to the proper subjects (c. 986). However, the Roman Pontiff has power over the whole Church. Besides the powers of hierarch or local hierarch enjoyed by the Roman Pontiff (c. 984 §§1, 2), he has the “primacy of ordinary power over all the eparchies and their groupings” (c. 45 §1). The common law also reserves matters to the Roman Pontiff alone.

### 3. The Intermediary Structures in the Eastern Code

The 1917 Code of Canon Law and the *Cleri Sanctitati* used the term *ritus* to refer to a particular Church *sui iuris*. The commission, which prepared the schema of the decree *De Ecclesiis Orientalibus* of Vatican II, wanted to avoid it since the term was ambiguous.<sup>19</sup> Though OE uses the term “Particular Churches or Rites” (OE 2-4),<sup>20</sup> the term particular Church is used differently in different decrees of the Vatican Council II.<sup>21</sup>

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19 *Acta sinodalia* III, IV, 498, emendatio 8: see also 501, emend. 38 and 45; 502, emend. 56; 507, emend. 92 and 103, cited in Ivan Žužek, “*Le Ecclesiae sui iuris nella revisione del Diritto canonico*,” in *Understanding the Eastern Code*, (Kanonika 8), Roma, PIO, 1997, p. 94, foot note 1.

20 The latter term *ritus* was a later addition. See George Nedungatt, “Churches *sui iuris* and Rites,” in idem, ed., *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, (Kanonika 10), Rome, Pontifical Oriental Institute, 2002, pp. 99-128, p. 101.

21 For instance, *Lumen Gentium* uses the term in both senses of a Church *sui iuris* and an eparchy, while *Christus Dominus* uses it to mean an eparchy. The term as used in LG 23, 27 and CD 11 has this latter sense. At the same time *Orientalium Ecclesiarum* uses the term to mean a Church *sui iuris*. See the explanation of the terms “universal”, “particular” and “singular”

Though two Organs of consultation requested to reintroduce the term *Ecclesia particularis* instead of *Ecclesia sui iuris*,<sup>22</sup> the Study Group replaced the ecclesiological term “particular Churches” with the canonical term “Churches sui iuris” for terminological precision in juridical language.<sup>23</sup> The mixed group of the two commissions (*Coetus Specialis Studii “de Lege Ecclesiae Fundamentali*), had adopted the term *Ecclesia ritualis sui iuris*.<sup>24</sup> PCCICOR later dropped *ritualis*<sup>25</sup> “since some of the Eastern Churches of the same tradition were said to have the same rite,” as in the case of “the Byzantine rite”.<sup>26</sup> The 1983 Latin Code continued to use the term “ritual Church sui iuris” until the term “ritual” was dropped by the amendment made to a few canons (e.g., cc. 112 §1; 112 §1, 2<sup>o</sup>, 3<sup>o</sup>; 112 §2) in 2016.<sup>27</sup>

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given by George Nedungatt, “*Ecclesia universalis, particularis, singularis*,” in *Nuntia* 2 (1976) 75-87, p. 76. As Nedungatt observes, in the canonical tradition the term for diocese was “*Ecclesia singularis*”. See CIC-1917, c. 1495 §2: “*Etiam ecclesiis singularibus aliisque personis moralibus quae ab ecclesiastica auctoritate in iuridicam personam erectae sint, . . .*” In the schema *De Episcopis* the PCCICOR Study Group *De sacra hierarchia* used the term “*Ecclesia singularis*” for “eparchy” (*Nuntia* 9 (1979) 5-6): Nedungatt, “Churches *sui iuris* and Rites,” p. 103, footnote, 10.

22 *Nuntia* 22 (1986) 23.

23 Nedungatt, “Churches *sui iuris* and Rites,” pp. 102-103. See also Ivan Žužek, “*Le Ecclesiae sui iuris*,” pp. 94-109. “Il gruppo di studio, dopo tante vicissitudini di questo termine in altra sede, ha ritenuto che l’espressione “*Ecclesia sui iuris*” ha ormai un senso specifico accettabile a tutti, latini ed orientali. Pertanto non ha accolto questa richiesta”: *Nuntia* 22 (1986) 23.

24 LEF c. 2 §2: “*Varie Ecclesiae particulares in plures coniunguntur . . .sunt Ecclesiae rituales sui iuris . . .*”: *Com* 12 (1980) 31. See also *Com* 8 (1976) 81-82; 9 (1977) 274, 297-299; Nedungatt, Churches *sui iuris* and Rites,” p. 103, footnote, 12.

25 *Communicationes* 12 (1980) 72.

26 Nedungatt, “Churches *sui iuris* and Rites,” p. 103, footnote, 12.

27 Cf. Pope Francis, Ap. Letter MP, *De concordia inter Codices*, issued on 31 May 2016 to make harmony between the two Codes, integrating the

### 3.1. Churches *sui iuris* in the Eastern Tradition<sup>28</sup>

A Church *sui iuris* is explained in the Eastern Code as “a community of the Christian faithful, which is joined together by a hierarchy according to the norm of law and which is expressly or tacitly recognized as *sui iuris* by the supreme authority of the Church” (c. 27). The Roman Pontiff and the ecumenical council (college of bishops) are intended by the term supreme authority. There are four grades of Eastern Catholic Churches, each considered a Church *sui iuris* and governed by CCEO and one’s particular laws. These Churches belong to different ecclesiastical traditions such as Alexandrian, Antiochian, Armenian, Chaldean and Constantinopolitan.<sup>29</sup> The four grades of Churches *sui iuris* are described below.

#### 3.1.1. Patriarchal Churches

Patriarchal institution, in which a patriarch presides over a Church *sui iuris* as “father” and “head”, belongs to the most ancient tradition of the Church. Therefore, “a special honour is accorded to the patriarchs of the Eastern Churches” (c. 55).

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legislation of the Code of Canon Law with explicit provisions parallel to those existing in the Code of Canons of the Oriental Churches: [https://www.vatican.va/content/francesco/la/motu\\_proprio/documents/papa-francesco-motu-proprio\\_20160531\\_de-concordia-inter-codices.htm](https://www.vatican.va/content/francesco/la/motu_proprio/documents/papa-francesco-motu-proprio_20160531_de-concordia-inter-codices.htm).

- 28 The Latin Church is also considered a Church *sui iuris* with a different hierarchical constitution governed by its proper code, namely *Codex Iuris Canonici*. See Nedungatt, “Churches *sui iuris* and Rites,” pp. 100-101. The comment of the author in foot note 4 has great ecclesiological significance. When one speaks of the specific head of the Latin Church, one has to distinguish between the primatial powers and the patriarchal powers of the Roman Pontiff. These powers, though held by the bishop of Rome, “are really distinct historically and theologically”.
- 29 These five traditions are termed *ritus* in the Eastern Code (c. 28 §2). These traditions are enumerated in alphabetic order, without any consideration to the precedence existed among the patriarchal Churches, since they are of equal dignity: *Nuntia* 22 (1986) 23.



These Churches have a higher grade of self-governance within the territorial boundaries. The patriarch and the synod of bishops constitute the superior authority in a patriarchal Church. CCEO Title IV extensively deals with the Eastern patriarchal Churches (cc. 55-150). At present, there are six patriarchal Churches. They are the Armenian Catholic Church, the Chaldean Catholic Church, the Coptic Catholic Church, the Maronite Catholic Church, the Melkite Catholic Church and the Syrian Catholic Church.

Western ecclesiology has a two-tier *iure divino* hierarchical structure. According to this, the papacy and the episcopacy are *iure divino* institutions. This is evident in the ecclesiology of Vatican II, which states that "by the Lord's institution, St. Peter and the rest of the apostles constitute a single apostolic college, so in like fashion the Roman Pontiff, Peter's successor, and the bishops, the successors of the apostles, are related with and united to one another" (LG 22; CD 2; CCC 880). The fathers of Vatican II considered the institution patriarchate as of *ius ecclesiasticum*.<sup>30</sup> However, authors like Nedungatt argue that though the patriarchate is a later development than the episcopate, "this fact does not make it less *de iure divino* in its divine conception and birth than the diocesan episcopate," which also gradually developed and became a tangible reality only by the

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30 George Nedungatt, "Patriarchal Ministry in the Church of the Third Millennium," *The Jurist* 61 (2001) 1-89, p. 47. *Cleri Sanctitati* 38 § 3 and CIC 1917 c. 108 § 3 stated that "by divine institution the ecclesiastical hierarchy of order consists of bishops, presbyters and ministers; the hierarchy of jurisdiction consists of the Supreme Pontificate and the subordinate episcopate; by ecclesiastical institution there have been added also other grades." This canon has as its source c. 6 of the Council of Trent (*Synodus Tridentina*, session XXIII, de ordine, cap. 4, c. 6: Denzinger-Schönmetzer 1776, as cited in Nedungatt, "Patriarchal Ministry," p. 47, foot note, 111).

end of the second century.<sup>31</sup> Taking the conciliar statement that the patriarchal Churches emerged "under divine providence" (LG 23), Nedungatt opines that "if at Rome this divine providence was charged with *ius divinum*, there is no obvious reason to exclude it from the other Churches of apostolic origin."<sup>32</sup>

### 3.1.2. Major Archiepiscopal Churches

The origin of the first Major Archiepiscopal Church is traced back to AD 431. The Council of Ephesus, c. 8, recognized the autonomy of the Church of Cyprus as having an ancient right to elect its bishop without dependence on the bishop of Antioch. Antioch was then the capital of the civil province of the East, and Cyprus belonged to this.<sup>33</sup>

In major archiepiscopal Churches, the major archbishop presides over the Church as "father" and "head". In structure and the grade of autonomy, it is pretty similar to a patriarchal Church. As we see in the Vatican Council II, "what has been said concerning patriarchs also applies, in accordance with law, to major archbishops, who preside over an entire Particular Church or rite" (OE 10). These Churches have the same rights as the patriarchal Churches in matters of self-governance, except in those things explicitly mentioned in common law (c. 152). The only difference in the CCEO is that the election of

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31 Nedungatt "Patriarchal Ministry," p. 62.

32 Nedungatt "Patriarchal Ministry," p. 71. So also see c. 21 of the Fourth Council of Constantinople (869-870), which mentions about the five patriarchs with supra-metropolitan powers "as supreme pontiffs and chief pastors in succession to them [the Apostles] in the Catholic Church": Norman p. Tanner, *Decrees of the Ecumenical Councils*, vol. 1, Sheed & Ward and George Town University Press, Washington DC, 1990, p. 182; Cf. Nedungatt, *Patriarchal Ministry*," p. 67.

33 Nedungatt, *The Spirit of the Eastern Code*, p. 95. The head of the Orthodox Church of Cyprus is also a major archbishop. However, the Orthodox Church uses the term "Catholicos" instead of Major Archbishop.

a major archbishop is to be confirmed by the Roman Pontiff before he assumes office (c. 153 § 1-4). The canons specifically meant for major archiepiscopal Churches are mentioned in Title V of the Eastern Code (cc. 151-154). There are four major archiepiscopal Churches in the Catholic Church. They are the Ukrainian Catholic Church, the Syro-Malabar Church, the Syro-Malankara Catholic Church and the Romanian Catholic Church.

### **3.1.3. Metropolitan Churches *Sui Iuris***

“A Metropolitan Church *sui iuris* is presided over by a metropolitan of a determined see who has been appointed by the Roman Pontiff and is assisted by a council of hierarchs in accord with the norm of law” (CCEO c. 155 §1). The metropolitan, together with the council of hierarchs, possesses a certain amount of autonomy in the power of governance. The metropolitan Churches *sui iuris* in Catholic communion are the Ethiopian Catholic Church (Addis Abeba), the Ruthenian (Byzantine) Catholic Church (Pittsburg), the Presovien (Byzantine) Catholic Church in Slovakia, the Eritrean Church in Asmara and the Byzantine Church in Hungary (Hajdudorog).

### **3.1.4. Other Churches *Sui Iuris***

Churches which are neither patriarchal, major archiepiscopal, nor metropolitan are intended by the term other Churches *sui iuris*. These Churches are entrusted to a hierarch who presides over them according to the norm of common law and particular law established by the Roman Pontiff (c. 174) and depends directly on the Apostolic See for all affairs (c. 175). They have the lowest degree of ecclesial autonomy. These Churches include the Byzantine Church of Croatia (Eparchy of Križevci) and Serbia San Nicola di Ruski Krstur), the Church of Bulgaria (Eparchy of San Giovanni XXIII di Sofia), the Greek Catholic Church

(an Apostolic exarchy in Athens and another in Istanbul), the Byzantine Church in Kazakhstan and Central Asia (an Apostolic Administration), the Macedonian Church (Eparchy of Skopje), the Russian Catholic Church (Apostolic Exarchates of Russia and Harbin in China), the Italo-Albanian Church with one eparchy in Italia and Abbey at Grottaferrata, and finally, the Byzantine Church of Byelorussia, whose identity cannot be specified since no appointment was made after 1986.<sup>34</sup>

### **3.2. The Self-governing Power of the Eastern Catholic Churches**

How far is the intermediary structure in the Eastern Churches independent? Do they have the same autonomy as claimed by the autocephalous Orthodox Churches? The autocephalous Orthodox Churches do not recognize the jurisdiction of any higher authority, as it is in the Catholic Church. However, they do hold a concept of the universal Church, which is concretized only in an ecumenical council. Therefore, this term is not much desirable in the Catholic realm, where the supreme authority of the Roman Pontiff is equally essential.<sup>35</sup> Though not independent from the supreme authority, the Eastern Catholic Churches are distinct from the Latin Church in their self-governing power. The present canonical legislation of the Eastern Churches admits four levels of this autonomy, as evident from the four types of Churches already mentioned.

The patriarchal system was the ordinary form of Church governance in the East. The fifth-century Christological controversies

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34 The list of the Churches are as given in the *Annuario Pontificio* 2021, pp. 1102-1105.

35 Victor J. Pospishil, "The Constitutional Development of the Eastern Catholic Churches in the light of the re-Codification of their Canon Law," in *The Church and the Churches: Autonomy and Autocephaly*, (Kanon 5), vol. 2, Wien, 1981, pp. 47-48.

precipitated many divisions in the Church and the formation of new Orthodox patriarchates. Altogether there are 16 patriarchates in Orthodox Christianity.<sup>36</sup> In the Catholic Church also, the status of being a patriarchal Church indicates the level of autonomy of the Church. The patriarchal Churches have the highest grade of autonomy. Though the patriarchs, together with the synod of bishops, enjoy greater freedom in Church governance, the limitation of their power is evident from the norms requiring assent, consent, consultation or confirmation of the Roman Pontiff (e.g., cc. 32 §1; 57 §3; 61; 85 §1; 182 §3; 642 §1; etc.). So also, the newly elected patriarch is to receive ecclesiastical communion from the Roman Pontiff through a letter signed in his hand (cc. 76 §2; 152). Before receiving communion, he is not to convoke the synod of bishops (c. 77 §2). He is to manifest hierarchical communion with the Roman Pontiff “through loyalty, veneration, and obedience which are due to the supreme pastor of the entire Church” (c. 92 §1).

A patriarch can exercise power only according to the norm of law approved by the supreme authority of the Church (CCEO

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36 See John D. Faris, *Eastern Catholic Churches: Constitution and Governance According to the Code of Canons of the Eastern Churches*, Saint Maron Publications, 1992, p. 214). Among the Orthodox Churches at present there are two categories called the Eastern Orthodox Churches and the Oriental Orthodox Churches. The Eastern Orthodox Churches include the four classical patriarchates – Constantinople, Alexandria, Antioch and Jerusalem- sanctioned by the first Ecumenical Councils and seven other patriarchates of later origin, mostly in the second millennium. The Oriental Orthodox Churches include those Churches separated from the Catholic Church after the Council of Chalcedon in 451 (the theological issue of two natures in Christ). They accept only the first three Ecumenical Councils. These Churches include: the Coptic Patriarch of Alexandria, Syrian Patriarch of Antioch, Patriarch of Ethiopia and the Supreme Patriarch and Catholicos of all Armenians. The Assyrian Church of the East Forms a category by itself. Thus altogether there are 16 patriarchates in Orthodox Christianity.

c. 56). Within a year after his election and then often during his tenure in office, the patriarch is to visit the tombs of apostles Peter and Paul and “present himself to the successor of Saint Peter in primacy over the entire Church”. According to the special norms, he is also to submit a report of the entire Church to the Roman Pontiff (CCEO c. 92 §3). Moreover, “The power of the patriarch is exercised only within the territorial boundaries of the patriarchal Church unless the nature of the matter or the common or particular law approved by the Roman Pontiff establishes otherwise” (c. 78 §2). This territory of the patriarchal Church extends to “those regions in which the rite proper to the same Church is observed and the patriarch has a legitimately acquired right to erect provinces, eparchies and exarchies” (c. 146 §1).<sup>37</sup> Even inside the territory of the patriarchal Church, there are several occasions in which the Roman Pontiff exercises his power, as already mentioned.

The four major archiepiscopal Churches also have an autonomy more or less equal to the patriarchal Churches except for a few instances, e.g., the norms regarding the election of the major archbishop (c. 153). The metropolitan Churches have an even lesser grade of autonomy than a patriarchal or major archiepiscopal Church. First, a metropolitan is appointed by the Roman Pontiff (c. 155 §1). The obligation of a metropolitan to request the pallium from the Roman Pontiff (c. 156 §1),<sup>38</sup> the requirement of providing information to the Apostolic See

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37 As Pallath remarks, it is an anomaly that the Latin Church extends all over the world, transcending all barriers of nation, culture or civilization. In the CIC there is no canon that speaks of the territorial limits of the Latin Church: See Paul Pallath, “The Principle of Territoriality According to Eastern Catholic Canon Law”, in *Iustitia* 2 (2011) 344.

38 Worn by the pope, the pallium symbolizes the *plenitudo pontificalis officii* (i.e., the “plenitude of pontifical office”). Worn by the metropolitans of a Church sui iuris (and the archbishops), it signifies their metropolitan power, conferred authority and participation in the supreme pastoral power

regarding the laws and norms enacted by the council of hierarchs before promulgating it (c. 167 §2) are some of the examples for this dependence. Other Churches *sui iuris* depend on the Apostolic See for their functioning. The hierarchs delegated by the Apostolic See have only those powers given by the common law or the Roman Pontiff (c. 175).

### 3.3. The Principle of Subsidiarity

The principle of subsidiarity was one of the guiding principles of the codification of the Eastern Code. The Eastern Code leaves to the competent authority of each Church *sui iuris* to legislate the matters not common to all Eastern Catholic Churches and those not reserved to the Apostolic See of Rome. The *mens* of the Roman Pontiff, in this regard, is expressed in the Apostolic Constitution *Sacri Canones* of October 18, 1990: “Furthermore, in this area attention should well be given to all those things committed to the particular law of each Church *sui iuris*, which are not considered necessary for the common good of all Eastern Churches. Concerning these things, it is my intention that those who enjoy legislative power in each of the Church *sui iuris* take counsel as quickly as possible by issuing particular norms, keeping in mind the traditions of their own rite as well as the teachings of the Second Vatican Council.”<sup>39</sup>

The patriarchs, together with the synod of bishops, constitute the highest authority in the patriarchal churches. As we read in the Apostolic Constitution *Sacri Canones*, there is a pre-eminent position for the patriarchal Churches among the various structures of the hierarchical constitution of the Eastern Churches. As

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of the pope. Before receiving pallium the metropolitans cannot convoke the council of hierarchs nor ordain bishops (CCEO c. 156 §2).

39 Pope John Paul II, Apostolic Constitution *Sacri Canones*, October 18, 1990: AAS 83 (1990) 1038, translation given in the *Code of Canons of the Eastern Churches: Latin-English Edition*, p. xxiv.

the CCEO leaves the legislation of particular matters to the competent authority in each Church *sui iuris*, the synod of bishops is entitled to do this function in the patriarchal Church (c.110§1). If they are liturgical, these laws will have the force of the law everywhere in the world. In contrast, other disciplinary laws and decisions will have the force of law only within the boundaries of patriarchal territory<sup>40</sup> (c.150§2). The laws and decisions made by the patriarchal or major archiepiscopal synods do not need the approval or confirmation of the Apostolic See of Rome. But they must communicate these to the Holy See for information (c. 111§3). It is a recognition of the ecclesial maturity of the patriarchal Churches.<sup>41</sup> In the patriarchal or the major archiepiscopal Churches, the executive power rests on the patriarch or the major archbishop unless otherwise specified in the Code. The higher authority intervenes only as a *subsidium* if the lower authority either fails to act appropriately or requests the help of the higher authority to resolve specific issues. We see an application of this principle in the recent developments ensuing the liturgical controversy in the Syro-Malabar Church. The Apostolic See appointed an apostolic administrator to the Archdiocese of Ernakulam-Angamaly only when the major archbishop and the synod of bishops found it challenging to tackle the dissident group.

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40 These disciplinary laws and decisions of the synod will have force of law everywhere in the world, if they are approved by the Apostolic See of Rome (CCEO c.150 §3). So also it is to be noted that these laws emanated from the Synod of Bishops and promulgated by the patriarch must not be contrary to the common law for all the Eastern Churches.

41 However, as George Nedungatt states it, “in the concept of the Roman primacy is implicit the authority to review any inferior legislation, if necessary, even after the promulgation of any particular law made by the episcopal Synod of a Patriarchal Church. These corrections may concern not only matters of faith and morals but also disciplinary laws and their fidelity to the ritual heritage as well as updating that heritage to meet the needs of modern times”: Nedungatt, *The Spirit of the Eastern Code*, p. 212.



#### 4. Eparchy as the Basic Structure of the Three-tier Hierarchical System

An eparchy, “a portion of the people of God entrusted to a bishop to shepherd”, is constituted on a territorial or a personal basis (c. 177 §1). Ecclesiologically, there is no difference in the constitution of an eparchy in the Latin and the Eastern Churches. However, in the erection, modification and suppression of eparchies, the Eastern Code foresees specific legislation within the territorial boundaries of a patriarchal or major archiepiscopal Church (cc. 85 §1; 177 §2). So also, the norms for the election of bishops in the proper territory of a patriarchal or major archiepiscopal Church (cc. 180-186) differ from the norms in the Latin Church. The eparchial bishops shepherd the faithful in the proper territory as “vicars and legates of Christ” (c. 178).<sup>42</sup> Their power is personal, proper, ordinary and immediate.<sup>43</sup> Both the Codes admit the possibility of erecting separate eparchies for the faithful of different Churches *sui iuris* (CIC c. 372 §2).<sup>44</sup> The traditional principle of “one city, one bishop” is no longer valid. Multiple jurisdictions of different Churches *sui iuris* in one place has become a common norm. The increasing migration and the need to provide adequate pastoral care to the faithful belonging to a specific Church *sui iuris* necessitate this multiplicity of jurisdictions in one place. The Vatican Council II decree on the Eastern Churches, *Orientalium Ecclesiarum*, confirms this in the

42 Though LG 27 uses the title ‘vicar of Christ’ for bishops, the Latin Code has not included this title in any of the canons regarding bishops.

43 CD 8: “To bishops, as successors of the Apostles, in the dioceses entrusted to them, there belongs per se all the ordinary, proper, and immediate authority which is required for the exercise of their pastoral office. But this never in any way infringes upon the power which the Roman pontiff has, by virtue of his office, of reserving cases to himself or to some other authority.”

44 Though there is no parallel canon in CCEO, c. 916 §5 admits this possibility.

following statement: “Means should be taken therefore in every part of the world for the protection and advancement of all the individual Churches and, to this end, there should be established parishes and a special hierarchy where the spiritual good of the faithful demands it. The hierarchs of the different individual Churches with jurisdiction in one and the same territory should, by taking common counsel in regular meetings, strive to promote the unity of action and with the common endeavour to sustain common tasks so as better to further the good of religion and to safeguard more effectively the ordered way of life of the clergy” (OE 4).

The Episcopal college is an expression of the variety and universality of the people of God and the unity of the flock of Christ in so far as it is assembled under one head (LG 22; CCC 885). Though each bishop is the lawful pastor only of the portion of the flock entrusted to his care, by divine institution and precept, they are responsible with other bishops for the apostolic mission of the Church (LG 23; CD 4, 36, 37; AG 5, 6, 38).

## **Conclusion**

The Catholic Church is a communion of different Churches having specific structures and traditions. The Syro-Malabar Major Archiepiscopal Church was territorially limited to a small area in South India until October 2017. Pope Francis restored her rights, extending the proper territory of the Syro-Malabar Church to the whole of India through a letter dated 10 October 2017. The Holy Father, in this letter, brought the attention of the bishops of India to the splendour of the “variety of Churches”: “The remarkable *varietas Ecclesiarum*, the result of a long historical, cultural, spiritual and disciplinary development, constitutes a treasure of the Church. ...” The hierarchical structure of the Eastern Churches retains this variety and splendour of the one

Catholic and apostolic Church. Understanding these structures is inevitable for the peaceful co-existence and cooperation among the hierarchy and the faithful belonging to different Churches *sui iuris*. The different structures and corresponding jurisdictions are intended to build up the one body of Christ, the Church.





# The System of Administration of the Saint Thomas Christian Church in *Varthamanappusthakam*

Varghese Palathingal\*

The Guidelines for the Revision of the Oriental Canon Law made special mention about the role of lay faithful in the ecclesiastical structures of governance: “Oriental customs – sometimes of immemorial date -, relative to the participation of the laity in the ecclesiastical administration and in the apostolate, are to be preserved and encouraged.”<sup>1</sup> The heritage of leadership of Archdeacon with yogam as a system of ecclesiastical administration or governance and the role of bishop presiding over the liturgical worship was the legitimate custom of the Saint Thomas Christians from time immemorial. The autonomy and identity reflected in the ecclesiastical constitution or system of administration.

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1 *Nuntia* 3 (1976) 23.

A travelogue *Varthamanappusthakam*<sup>2</sup> written in 1785 by

- 2 *Varthamanappusthakam* (VP), meaning book of narratives, is known as the first travelogue written in 1785 in old Malayalam script by Kathanar Thomman Paremmakkal. Thomman Paremmakkal, *Varthamanappusthakam*, ed. by Luke Mathew Plathottam, St. Mary's Press, Athirampuzha, 1936; It was translated into English with introduction and notes by Placid. J. Podipara, in *Orientalia Christiana Analecta*, n. 190, Pontifical Oriental Institute, Rome, 1971; Paremmakkal Tomman Kathanar, *Varthamanappusthakam*, (I & II, Malayalam), ed., Thomas Moothedan, Janatha Services, Thevara) 1977; Thomas Paremmakkal, *Varthamanappusthakam*, ed., (modern Malayalam), Mathew Ulakamthara, D. C. Book Stall, Kottayam, 1983; Paremmakkal Gobernador, *Varthamanappusthakam*, OIRSI, Kottayam, 1989;

Paremmakkal Thomman Kathanar, *Varthamanappusthakam*, translated into revised Malayalam by John Malieckal, OIRSI, Kottayam, 2014.

For various studies on VP, see, Antony Vallavanthara, "The Ecclesial Structures of Saint Thomas Christians of Malabar: A Study of the Ecclesiology of the Malabar Church as seen in the *Varthamanappusthakam*, *Jeevadhara*, 12, 7 (July, August 1982) 312 – 322; Benedict Vadakkekara, "Cariattil-Paremmakkal Representation to Rome and Lisbon towards Restoring Ecclesial Unity among India's Thomas Christians 178-1786 in *Homage to Mar Cariattil: Pioneer Malabar Ecumenist*, ed., Charles Payngott, (*Mar Thoma Yogam*, Rome 1987) 8 – 19; Thomas Koonammakkel, "The Spiritual Vision of *Varthamanappusthakam*: History of an Unending Pilgrimage from the Desert into the Sea", *Christian Orient*, 10/3 (1989) 100 – 113; K. V. Joseph, A Study on *Varthamanappusthakam* (Malayalam), N.B.S., Kottayam 2010; Andrews Mekkattukunnel & Eby Puthukulangara, Bible in *Varthamanappusthakam*, (Malayalam), OIRSI, Kottayam, 2011;

George Kudilil, "Mar Thoma Margam as reflected in *Varthamanappusthakam*", in *Mar Thoma Margam: The Ecclesial Heritage of the Saint Thomas Christians*, ed., Andrews Mekkattukunnel, (OIRSI: Kottayam, 2012) 588 – 605; Jose Valiamangalam, Ecclesial Vision of St. Thomas Christians in the Light of *Varthamanappusthakam* A Historico-Theological Study, Kottayam: OIRSI, 2018; Jose Valiamangalam, "Ecclesiological and Liturgical Significance of *Varthamanappusthakam* Its Implication in Syro-Malabar Church, *Thomas Christian Heritage*, XIII/24 (2020) 13 – 35; Francis Thonippara, "Efforts for Unity among the St. Thomas Christians reflected in the *Varthamanappusthakam*", *Thomas Christian Heritage*, XIII/24 (2020) 36 – 50; Varghese

Cathanar Thomman Paremmakkal (1736 – 1799) by name, contains narrations of events related to the history of the Syro-Malabar Church from the period of 1773-1786. The book provides a record of events connected with the journey from Kerala to Rome via Lisbon and back undertaken by Malpan Mar Joseph Cariattil (1742- 1786) and Cathanar Thomman Paremmakkal.

## **The Historical Significance of Yogam**

It was an important function of the yogam to decide on request for Bishops from the East Syrian Church in Mesopotamia. Yogam also decided who were to be included in the delegation to Mesopotamia. It was as per the resolution of yogam that the Cariattil-Paremmakkal deputation left for Lisbon and Rome: “What the Malabar Churches did was the way of acting on accordance w with the right procedure followed from the time of the forefathers. For matters affecting the whole community are not decided by one or two churches. The age-old custom is to seek the solution in a convocation of the fest of the churches as

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Palathingal, “*Varthamanappusthakam: A Juridical Source of Syro-Malabar Church*”, *Thomas Christian Heritage*, XIII/24 (2020) 51 – 82; Andrews Mekkattukunnel, “Contextual Biblical Hermeneutics in *Varthamanappusthakam*”, *Thomas Christian Heritage*, XIII/24 (2020) 83 – 105; Dominic Vechoor, “Moral Life of the St. Thomas Christians reflected in *Varthamanappusthakaam*”, *Thomas Christian Heritage*, XIII/24 (2020) 106 – 118; James Puliurumpil, “Historical ackground of *Varthamanappusthakam*”, *Thomas Christian Heritage*, XIII/ 24 (2020) 15 – 27 Joseph Kollara, “Life and activities of Mar Joseph Cariattil with special attention to his mysterious death”, *Thomas Christian Heritage*, XIII/24 (2020) 28 61; K. V. Joseph, “A Strudy on the Community Traits as refelected in *Varthamanappusthakam*”, XIII/24 (2020) 62 – 73; Pius Malekandathil, “Discourses on Early Nationalism and National Consciousness: A Study on *Varthamanappusthakam*, *Thomas Christian Heritage*, XIII/24 (2020) 74 – 108; Kurias Kumbalakuzhy, “*Varthamanappusthakathile Rashtreeyam*”, (Politics in the Book of *Varthamanappusthakam*, [Malayalam]), *Thomas Christian Heritage*, XIII/24 2020) 109 – 125.

well. In the present case, this is not only right but necessary... The reason why our yogam sent us not only told us orally but given us in writing. If anyone has doubts, he can remove them by checking the letter and testimonials in our possession.”<sup>3</sup>

Concerning the reunion of Mar Thoma VI the *yogam* prepared two separate petitions to Rome to dispel all doubts regarding the orthodoxy of faith and obedience to the Supreme Pontiff. The first petition was signed by all the participants of the decision-making body, namely, *yogam*, submitting themselves an unconditional and unequivocal allegiance and obedience to Rome. The second petition was signed by Mar Thoma VI declaring his profession of Catholic faith.

The *yogam* at Angamaly passed a resolution to send two boys to Rome together with Cariattil-Premakkal deputation for priestly training. It was in accordance with the existing custom of the *yogam* selecting and promoting candidates for priesthood and giving *desakuri*.

Special *yogam* was convened in Angamaly and Athirampuzha to discuss and decide on the historical revolt of the Saint Thomas Christians against the foreign missionaries. It is known as, *Mar Sleeva Pledge* (Coonan Cross oath – 1653).

## **The Concept of Yogam**

The origin of *yogam* is understood to be from two words, namely, *yog*, which means, in sanskrit, unity, union, joining, junction or combination. The word *palli* in vernacular (Malayalam) means place of worship. Saint Thomas Christians shared Hindu culture. The Indo-Dravidians in Hindu culture in A.D. 1-5 centuries, *manram* (place of assembly) was said to be a basic unit of social organisation. In Tamil *manram* denotes a place of assembly, open space or long-street. The elders of the tribes met

3 Paremakkal, *VP*, 33, 245.



together in the village to discuss, consult and decide on matters of common interest. It was an authoritative body. Leaders of all families or elders participated in the meeting presided by the leader or head of the tribe. The decisions taken in the meeting were binding to all. *Urar* and *uranmakar* were two castes or sects in Hinduism. The members of these castes constitute a *yogam* and were endowed with the responsibility to manage the affairs of the temple. In the seventh century, Aryans migrated to south India and they developed a system of governance known as *brahmadeyam*. This system of administration was similar to *yogam*.

Imbibing the spirit of the *yogam* which prevailed in the Hindu culture the Saint Thomas Christians developed a three tier administrative system of ecclesial governance, namely, *paliyogam* (parish assembly or *tharakoottam*), *pradesikayogam* (regional assembly or *nattukoottam*) and *mahayogam* / *desiyayogam* / *sabhayogam* (general assembly or *pothukoottam*). The parish assembly (*palliyogam*) was a basic unit of ecclesial communion. The heads of families and priests participated in this assembly. In this type of communion the direct participation of the people of God in the mission and governance of the Church was assured. This is a unique heritage of the Saint Thomas Christians. The laity, clergy and religious were directly involved in the administration of the parish, each according to one's own condition, function and role. Priests and lay representatives of parishes of a given region constituted the regional assembly (*pradesika yogam*). They counsel together, deliberate, take decisions reaching a consensus. General assembly (*mahayogam*) is presided over by the Metropolitan of All-India. The Bishops, priests, archdeacon, representatives of priests, religious and laity of all parishes participate in the general assembly.

Functions of *yogam* include acquisition, administration and alienation of property; support of priests and bishops;

maintenance of deacons and seminarians; selection of candidates to priesthood and issue of testimonial letter or non-objection certificate (*desakury*); vigilance over the ecclesial, spiritual and moral affairs of the Church; imposition of penalties on the delinquents; remission of penalties after a due penance; fixing share for central administration of the Church and approval of the resolutions of parish *yogam* on grave matters.<sup>4</sup> Paulinus of Bartholomeo, a Carmelite Missionary in India admires the institute of *yogam* prevalent among the Saint Thomas Christians: “All Christians combine or unite themselves into a kind of Christian civil republic (state), and when, therefore, is a problem in one parish others come together to defend it. The parish priests and elders judge and decide everything.”<sup>5</sup>

Another missionary, Boniface of Infant Jesus OCD narrates the functions of *yogam* in his report sent in the year 150 to Propaganda Fide: “In all their Churches, the Christians (of St. Thomas) deliberate on ecclesiastical matters in the *yogam*, which is composed of the clergy and the people, so that not only on financial administration for pious purposes, construction and repair of Churches, etc.; but also on promoting to the sacred orders, or absolving from censures, the people and clergy take counsel together, and the bishop does not promote the candidate to orders, nor absolve any one from the censures incurred, unless the petitioner brings a request of the people who assemble in the Church and having heard the petitioner makes the request

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4 The Constitution of the Orthodox Syrian Church has prescribed the reception of the Sacrament of reconciliation a condition for the delegates to participate in the Palliprathinidhi *yogam* (General Body meeting of the representatives). After fulfilling this requirement only the members elect the administrators of the parish governance and the office-bearers of the Malankara Association.

5 Paulinus of Bartholomeo, *Viaggio alle Indie orientali*. (Rome: 1796) 136–139, in Xavier Koodapuzha, *Oriental Churches: Theological Dimensions*, (OIRSI, Kottayam, 1988) 74 – 75.

to the prelate. In matters of importance they convoke and admit to such *yogam* people of the neighbouring churches in order to take counsel with them and when the matter is most important, they call all the churches of the kingdom, or sometimes all the churches of the whole diocese.”<sup>6</sup>

The pattern of general administration of the Saint Thomas Christian community was based on customary law and was the joint responsibility of the clergy and laity: “The administration of the local churches was carried on by the assembly of the parishioners consisting of adult males and local priests. The senior priest was president, so to say, of the local priests (*desathu-pattakkar*), and he arranged the services in the church... The assembly spoken of above looked after the temporalities of the church, and also after the whole Christian life of the local community. This assembly decided cases of public scandal, inflicting punishments which sometimes amounted to excommunication.”<sup>7</sup> The ecclesial governance in the early centuries was more of mutual understanding and aimed the common good of the community: “The administration of the parish church was in the hands of honourable men of the place. They constituted the parish council... The churches were built by the people who contributed to the building and its maintenance, each man contributing what he could. In every marriage, the fifth or the tenth part of the dowry of the bride was donated

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6 Boniface of Infant Jesus OCD, *Archivum de Propaganda Fide*. CP. Vol. 109, f. 90 in Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, ed., Sunny Kokkaravalayil, (OIRSI, Kottayam, 2015) 608. See also Andrews Thazhath, *The Law of Thomas*, OIRSI, Kottayam 1987; George Nedungatt, *Laity and Church Temporalities: Appraisal of a Tradition*, (*Dharmaram Canonical Studies – 1*, Bangalore, 2000) 105 - 158.

The Law of Thomas is technically not a codified collection of law. But the entire system and style of ecclesial life developed in the course of time by Saint Thomas Christians upon the foundation of gospel message or the Christ experience received from the Apostles.

7 Placid J. Podipara, *The Thomas Christians*, 96.

to the church. In baptism, too, the sponsors and the parents of the child contributed...To each church were attached its clergy, two or sometimes three *cathanars*...The means of subsistence of the parish clergy were provided from the properties of the Church and also from the benefactions made by the people to the Church.”<sup>8</sup>

## **Ecclesial Structure of Yogam**

In the socio-cultural political context the structures, patterns were in conformity with the mission of the Church. The indigenous ecclesial structures were intermingled with the elements of customs and traditions. There was a harmonious relationship among one another as community of love. Important decisions were taken by the whole of Christian community, by the representatives in Church assemblies – local and general. There was no water tight distinction between hierarchy and lay persons. They did everything together. VP represents age old tradition of the Thomas Christians and reflects their profound love and esteem for the tradition and patrimony preserved and handed over generation to generation. It pleaded the cause of the Church of Malabar in Rome and Lisbon. The aspirations of a vibrant Church are well depicted in VP. They followed the customs which prevailed in Hindu culture “That customs have been handed down to Hindus from the remotest ages and not allowed to pass into forgetfulness is due to the conservative nature of man and to the reverential regard with which each member of the community or tribe looks upon them. To violate a custom is, to a Hindu, nothing short of a sacrilege. Thus by right observance and constant practice, the traditional values have been always kept in evidence and

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8 Mathias A. Mundadan, *Sixteenth Century Traditions of St. Thomas Christians*, (Bangalore, Dharmaram College, 1970) 152 – 153, in George Nedungatt, “Laity, Yogam and Church Temporalities in the Thomas Christian Tradition”, *Tanima*, VIII/1-4 (2000) 45.

transmitted from generation to generation without in any way being warped by extraneous influences.”<sup>9</sup>

Bishop was considered as shepherd and the whole community as sheep – community of love. Bishop was not a ruler nor administrator. The community is flock and formed a communion of brothers (*jyeshthanujanmar*), which is beloved term for Paremmakkal to characterise the unity and harmony in the church. The *Malankara itavaka* or the general assembly is a community in whole and functions as an agent of actions through representatives of the local assembly or general assembly. VP mentions a burning issue of exclusion of the representatives of the Syrian Church on the occasion of the burial of Msgr. Florence, Bishop of Areopolis: “...The overwhelming ignorance of many missionaries the arrogance and reluctance of some of them to understand the native Christians and respect their ritual traditions and cultural practices at such deep wounds to the community – Saint Thomas Christians – that their scars still remain to be unhealed.<sup>10</sup> Those representatives who were excluded assembled at Angamale to decide the future of action: “The representatives of the churches left Verapoly with great mental anguish and assembled at Angamale to agree upon what they should do, to blot out the disgrace and insult inflicted upon them.”<sup>11</sup> Paremmakkal described the importance of the *palliyogam* in his reply to the authorities in Rome” “About our journey from Malabar, I am surprised that you did not know about the authorization our Church assembly had given us by word

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9 P. K. Menon, “The Role of Customs in Hindu Jurisprudence”, *The Jurist* 26 (1966) 4, in Jacob Kollaparamil, *The Sources of Syro-Malabar Law*, 25.

10 Pius Malekandathil, “Contextualising the Encounters between Portuguese Missionaries and the Saint Thomas Christians”, *Thomas Christian Heritage*, X/18 (2017) 109.

11 Paremmakkal, VP, p. 32.

and by writing, to procurer whatever was useful and profitable for our community and for our churches...”<sup>12</sup>

The yogam was a community of love and brotherhood not of law. They lived in mutual respect keeping up the tradition, age and experience. Community enjoyed the highest power. Role of bishop was as a pastor. An instance to substantiate the acceptance of the age and experience: Cathanar Kuriap Panamkuzha of Kuravilangat, the oldest and one well versed in the traditions took the first seat, the older Cathanars and Mappilas were seated in order...The young and inexperienced priests expected the arrival of the older ones and were also hesitant to speak in the assembly...There were present very eloquent, shrewd and prudent lay men.”<sup>13</sup> The nature of communion and the principle of equality in the assembly were evident: “...The representatives of the Churches mentioned above invited all the churches of Malabar...They had known that without the cooperation of the other churches they could not settle the questions. So it was good and prudent to invite all of the Malabar Church.”<sup>14</sup>

The representatives of the yogam felt that the root cause of the divisions in the community and loss of all legitimate traditions was the lack of a leader: “In the ancient days when they had a head and leader from among themselves the community of the Mappilas remained united and acted in all things with one mind.”<sup>15</sup> A responsible head in the person of archdeacon was necessary for the integral growth of the community.

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12 Paremmakkal, VP, 245.

13 Paremmakkal, VP, 34.

14 Paremmakkal, VP, 33.

15 Paremmakkal, VP, 35. A stone inscription at Church of Paravur of 1556 bears testimony to the said tradition: “To lay the foundation stone of the Church of Pattamana Paravur, Bishop Mar Joseph, the local priests and the representatives of the Church assembly, joined together and agreed upon and celebrated the Mass.”

According to the custom they lived in communion and fraternal charity. The disputes and litigations were amicably settled through the mediation of archdeacon. Paremmakal narrates an incident which was a sheer violation of existing customs. It was a case of a priest known as Kalloorkad Puthparamil Ikkakko Cathanar who was a victim of cruelties, torture and persecution by the missionaries. He had on several occasions, earned displeasure of the missionaries. 1. In connection with the principal feast of parish of Champakulam the right of the priests from the parish (*desattupattakkar*) to lead the procession. Though Chakko Cathanar intervened to establish the right of the priests of the parish to lead the procession, the missionaries did not accept it. 2. On another occasion during the festal celebrations of the parish those who accompanied the missionaries tried to steal the valuable paraphernalia of artistic value by hook or crook. Chakko Cathanar sensed this mischief and under his leadership a group of parishioners obstructed the move cleverly. 3. The missionaries were seeking an opportunity to catch hold of the Chakko cathanar. In connection with the feast of Verapoly church, towards the end of the celebrations the golden monstrance of the church was found missing. The missionaries spread a rumour that Chakko Cathanar was the culprit and he was accused of theft and was confined in a room. Paremmakkal narrates this incident critically stated that no canonical procedure was followed. In such an important case, the accused was not heard, nor judged by any one. There was not even a single witness. He was taken by force and shut up in a room. He was left there for several days without food and drink. He was killed by starvation in the midst of severe tortures. He was denied sacraments of penance and Holy Communion at the hour of death. His body was wrapped in a mat and buried in a bank of a tank in the compound outside the church. The author of VP narrated this incident “as a grave violation of divine law and fraternal charity.”<sup>16</sup>

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16 Paremmakkal, VP, 41.

The subsequent *mahayogam* (General Church Assembly), convened on 20 August 1773 at Saint Hormis Church Angamaly, was historical. The apostolic Visitor Lawrence Justiniani participated in the assembly as the representing the missionaries. He gave an assurance in writing to the assembly that thereafter no punishment would be inflicted on anybody against the laws of the Church and due ecclesiastical funeral will be given to the deceased followed by burial at appropriate place.<sup>17</sup> It was known for certain that there was an explicit violation of natural law as well as positive ecclesiastical law and legitimate customs. The system of imposing a penalty in the community practised for centuries is recalled by Paremmakkal: “The acts were unworthy of religion and against all the ancient customs. All are aware that according to the ancient custom of the Malabar Church no punishment could be inflicted unless the crime was proved before the representatives of four churches. The ecclesiastical and the civil laws prescribe that at least two witnesses should testify against statement of the accused before he could be punished. But in a very important case like this, the accused was not heard nor judged by anyone, there was not heard even one witness.”<sup>18</sup>

Later it was agreed upon that such unhappy incidents would not be repeated and especially that all the cases of Malabarians will be judged by Malabarians.<sup>19</sup> The Propaganda Fide instructed the vicar Apostolic and missionaries; in punishing them for their faults after having had legitimate proofs, they should adopt only means in harmony with the meekness and sweetness demanded by charity, the character of their office and prudence...<sup>20</sup> The Royal Court of Travancore, after an investigation about the

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17 Bernard of St. Thomas, *The Saint Thomas Christians*, (Malayalam), Vol. II, Mannanam, 1933) 185.

18 Paremmakkal, VP, 410.

19 Paremmakkal, VP, 44

20 Paremmakkal, VP, 40 - 41



alleged murder, confirmed that the missionaries were culpable. A document of the Government provides a testimony to that effect: “Carmelite missionaries, Padre Paulino and Padre John promised to pay a fine to the Travancore Government for having caused the death of the priest in question.”<sup>21</sup>

## **Archdeacon and Yogam in the Ecclesial Governance**

Owing to the specific structure of administration and governance of the Saint Thomas Christians, the archdeacons enjoyed great authority. It is because the Chaldean metropolitans being foreigners in a new land were not familiar with the language, customs, religious beliefs, socio-political set up. The indigenous archdeacon was the trustworthy assistant to be depended upon in all matters pertaining to the Church. Practically the government of the community was in his hands: “It was in these General-Church-Assemblies (The Malabar Church-Yogam) that the Archdeacon, the *Jathikkukarthavian* (the one responsible for the Community), as he was popularly called, played his part in the most conspicuous way. The General-Church-Assemblies were practically supreme, and de facto no higher ecclesiastical authority questioned their decisions. The Thomas Christians, therefore, formed as it were, a Christian Republic with a head from among themselves. Their bishops who were foreigners were eclipsed by, or were under the shadow of, the Archdeacons. Such was the canonical set-up that had developed among the Thomas Christians of the past.”<sup>22</sup> “The regulation of worship according to the rite, and a general vigilance in matters canonical, were also reserved to the bishops... The effective administration was in the hands of archdeacons who were priests and sons of

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21 Paremmakkal, VP, part II, document of *Kollavarsham* 962, Medam 2 of Malayalam (1787), 410.

22 Paremmakkal, *Varthamanappusthakam*, Placid Podipara, English Translation and Introduction, 3-4.

the soil He was called *giathikku karthavian* (one responsible for the nation, or one who governs the nation...He used to style himself as ‘the archdeacon of India’.”<sup>23</sup>

The missionaries were well aware of the dignity of archdeacon. Francis Dionysio S.J. expressed his esteem in his letter of 02 January 1578 addressed to the Jesuit General “There is in this Christianity, a priest, a native of this country belonging to the Malabar caste, approved for his virtues and habits, learned and experienced in ecclesiastical matters...He is esteemed very much by these Christians and before the gentile kings and lords he holds influence and recognition. He is the archdeacon of Angamale and helps the archbishop, serving him as his provisor...This Father is indeed great to govern this Church; he has helped us in our enterprise in this Christianity and cooperates with us in great fidelity and love.”<sup>24</sup> According to the Nomocanon of Abdisho the administration of temporalities in the diocese and the supervision of the other administrators were the responsibility of the archdeacon.<sup>25</sup>

Time and again VP states about the need for a common head so that the community of Saint Thomas Christians shall stand united: “A community without its own head and ecclesiastical ruler taken from within itself cannot prosper nor get strong...I earnestly entreat all to resolve to work with one mind and with mutual concord for the benefit and for the unity of

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23 P. J. Podipara, *The Thomas Christians*, (Darton, Longman & Todd, London / St. Paul Publications, Bombay, 1970) 95.

24 ARSI, Goa-Mal., vol. 12, fl. 447v-448, in Jacob Kollaparambil, *The Archdeacon of All-India*, (The Syrian Churches Series, Kottayam, 1972) 87.

25 A. Mai, ed., *Scriptorum veterum nova collectio*, tom. 10, Rome, 1838, in *Laity and Church Temporalities: Appraisal of a Tradition*, George Nedungatt, (Dharmaram Publications, Bangalore, 2000) 124.

our community.”<sup>26</sup> The power of governance of the archdeacon with the yogam was conspicuous: “It was in the general-Church-assemblies (The Malabar Church *yogam*) that the archdeacon, the *jathikkukarthavian* (the one responsible for the community), as he was [popularly called, played his part in the most conspicuous way. The General-Church-Assemblies were practically supreme, and de facto no higher ecclesiastical authority questioned their decisions. The Thomas Christians therefore, formed as it were, a Christian Republic with a head from among themselves. Their Bishops who were foreigners were eclipsed by, or were, under the shadow of, the archdeacon. Such was the canonical set up that had developed among the Thomas Christians of the past.”<sup>27</sup>

Archdeacons were priests who attended to the affairs of the community efficiently. The administration of the people of Malabar pertaining to the religion, society and politics are in his efficient hands. He was the first dignity in the Church of India after episcopate. As a custom he was selected from the *Pakalomattam* family in hereditary succession. He functioned also as the hand, tongue and gory of the bishop, a torch before the bishop.<sup>28</sup>

## **The Juridical Institute of Yogam (Assembly)**

The Pontifical Commission for the Revision of Eastern Canon Law published the guidelines for Revision in 1976.<sup>29</sup> One of the principles enshrined in the guidelines was that the revised norms shall reflect pastoral character: The new code reflect a concern not only for justice but also for that wise equity which is the fruit of understanding and charity. Indeed the code

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26 Paremmakkal, VP, p. 29. See also pp. 35, 45 and 55.

27 Paremmakkal, VP, p. 3-4.

28 Jacob Kollaparambil, *The Archdeacon of All-India*, 59, 80.

29 *Nuntia* 3 (1976) 18 – 24.

must be such as to encourage pastors to practise these virtues with discretion and intelligence. The yogam is an organ that assists the governance of the parish. The juridical norm of canon is prescribed in CCEO Canon 295: “In the parish there are to be appropriate councils dealing with pastoral and financial matters in accord with the norms of the particular law of its own Church *sui iuris*”. This new canonical norm was absent in the previous legislation. During the revision process the application of the guideline or oriental customs relative to the participation of the laity in ecclesiastical administration was preserved and encouraged: “Indeed, with the exception of the *Malabarese* and *Malankarese*, and may some other Churches the introduction of the parish councils, as wanted by the Vatican II, will be a new experience in which the legislative authority of the eparchial bishop and that of the Oriental Synods will play the greatest part.”<sup>30</sup>

The ancient custom of the Syro-Malabar Church and the communion ecclesiology of the Vatican II played a pivotal role in the introduction of this canon in CCEO: “In theological and canonical perspectives, yogam is an institute or organ of the people of God in a given Christian community to participate in the life and governance of the Church. It is one of the concrete effects and manifestations of the ecclesial communion among the Christian faithful. As such it is rooted in the communion ecclesiology.”<sup>31</sup> The teachings of the Vatican II encouraged the mutual coordination of associations and initiatives of the lay faithful and at the same time preserving the autonomy intact (*Apostolicam Actuositatem*, 26).

The ancient system of ecclesiastical governance among Saint Thomas Christians was taken as model by the Oriental

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30 *Nuntia* 3 (1976) 23; *Nuntia* 26 (1988) 110.

31 Jacob Kollaparambil, “The Institute of Yogam in the Oriental Churches”, *Canonical Studies*, (Canon Law Society of India: Bombay, 1996) 58.

Code Commission to formulate the canons on the assemblies in three levels for all Oriental Churches. 1. Church *sui iuris* level. This type of yogam is the highest assembly of Church *sui iuris*. Patriarch/Major Archbishop who is the father and head of the Church *sui iuris*, all the bishops of the different eparchies, selected priests, religious and laity are members of this assembly. Latin Code does not foresee similar assembly, (CCEO cc. 140 – 145, 172). 2. Eparchial level: Eparchial assembly is similar to the diocesan synod in the Latin Church, (CIC cc. 460 – 468). The bishop, ex-officio members, elected and nominated priests, religious and laity are members in this assembly, (CCEO cc. 235 – 242). 3. Parochial level.

### **Patriarchal/Major Archiepiscopal Assembly (Mahayogam)**

The Patriarchal/Major Archiepiscopal assembly (cc. 140 – 145, 172) is the traditional mahayogam adapted to the modern circumstances. It is a consultative group representing the entire Church *sui iuris*. The purpose of this consultative organ of administration consists especially in assisting the Patriarch/Major Archbishop and synod of bishops in the apostolate and discipline of the entire Church *sui iuris*. It is the concern of the assembly to foster the pastoral life of the Church and share the responsibility of the apostolate in view of the common good of the Church. It is undoubtedly a definite group of persons who are convened by the patriarch in prescribed intervals. The Code safeguards the right and obligation of Christian faithful to foster growth of the Church and its sanctification and evangelization. To express needs of spiritual nature to pastors, express opinion on relevant matters to the pastors with due regard for competence and integrity of doctrinal and moral teachings of the Church (cc. 13 – 154). The statutes of the Major Archiepiscopal Assembly in its preamble underlined the importance of ancient *yogam* that influenced the

codifiers of the Code of Canons of the Eastern Churches: “The Major Archiepiscopal assembly of the Syro-Malabar Church is the gathering together of a representative cross-section of the same Church, integrating the spirit and dynamism of the ancient ecclesial institution of the Thomas Christians called yogam. In it is restored and updated that organ in fidelity to the teachings of the Church and in obedience to the legislation given by the Roman Pontiff to the Eastern Catholic Churches (CCEO cc. 140 – 145), so that it is made to correspond to the changed historical situation and the new hierarchical status of the Syro-Malabar Church.”<sup>32</sup> The statutes envisage an updated form of ancient yogam. However, the assembly expresses communion of all categories of people according to their role in ecclesial life.

### **The Eparchial Assembly (*Pradesikayogam*)**

The eparchial assembly is an organ which assists the eparchial bishop in the pastoral governance of the Christian faithful entrusted to his care in the eparchy. It is a legitimate forum whose goals are to adapt the common law of the CCEO, and particular law of the autonomous Church, to its own specific circumstances, to address pastoral concerns and difficulties in the eparchy and propose appropriate norms, to stimulate and promote initiatives and activities on the part of the individuals and groups in the eparchy, to address errors in doctrine or activities which might arise in the eparchy. The eparchial assembly provides the bishop with a forum to present his own proposals and serve as a centre from which pastoral initiatives can emanate to the entire eparchy.<sup>33</sup>

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32 Syro-Malabar Major Archiepiscopal Curia, *Code of Particular Law of the Syro-Malabar Church*, (Mount Saint Thomas, Kochi, 2013) 100.

33 John D. Faris, *Eastern Catholic Churches: Constitution and Governance According to the Code of Canons of the Eastern Churches*, (New York: Saint Maron Publications, 1992) 506 – 507.

The assembly at eparchial level (CCEO cc.235 – 242) is similar to the diocesan synod of the Latin Church (CIC cc. 460 – 468). The bishop, ex-officio members, elected and nominated priests, religious and laity participate in the eparchial assembly. The eparchial bishop convokes the assembly whenever there arises a genuine need with prior consultation of the presbyteral council. Vatican II did not explicitly address eparchial assemblies. However, it can be understood as a response to the desire of the Council to revitalize the Church's regional structures in light of a communion – ecclesiology, (CD 36).

### **Parish Assembly (*Palliyogam*)**

The Code of Canons in the Latin Church there is a significant difference. The Eastern Code prescribes that there are to be appropriate councils in the parish to deal with pastoral and economic matters as per the particular law of the Church *sui iuris*. Though this canon is similar to CIC canon 536 on parish pastoral council, more freedom and discretion are allowed to the Bishop in the Latin Church. Parish pastoral councils may be established only if the Bishop requires it after due consultation with the presbyteral council. CIC c. 536 #1). On the other hand CCEO considers the formation of such council as mandatory and the nature and objectives of this council shall be determined by particular law enacted by the legislative authority of a church *sui iuris*. Already a decade before the promulgation of the CIC, the dicastery for Bishops in the Roman Curia foresaw the need of such parish council: “Representative spiritual leadership, efficiency in accomplishing pastoral goals, spiritual growth and renewal, as well as the utilization of sound administrative procedures and some values that indicate a need for parish councils today.”<sup>34</sup> this provision was not included in the revised CIC. The ancient

34 Sacred Congregation for Bishops, *Directory on the Pastoral Ministry of Bishops*, February, 2, 1973 in *The Code of Canon Law: A Text and Commentary*, eds. James A. Coriden et al., (Bangalore, 1986) 431.

yogam or parish assembly of the Saint Thomas Christians was held in high esteem even by foreign missionaries due to the fact that lay faithful played an active role in the yogam. There was no clergy-laity polarization in the Syro-Malabar Church and that the administration of temporalities was deemed to be a joint responsibility.<sup>35</sup> As per the age-old custom there was a direct participation of the cross section of the people of God in the ministry and governance of the Church. All the heads of the families and the priests in the parish assemblers in the yogam. “They counsel together, deliberate and make consensus or decision on all important matters pertaining to the ecclesial life and mission of the Christian community in the Parish. All matters regarding the threefold *munus* of the Church are discussed and decided upon in the yogam.”<sup>36</sup>

Although the clergy and the laity actively participate in the yogam their roles are different according to their status and condition. The power of governance in the Church (CCEO c. 979) is understood as follows: “1#. In accordance with the norm of law, those who have received sacred orders are capable of the power of governance, which exists in the Church y divine institution. #2. Other members of the Christian faithful can cooperate in the exercise of the power of governance in accordance with the norm of law.” The principal concern of the canon is the exercise of power of governance on matters regarding the governance of the Church. The clergy in the yogam exercise their power of governance and the laity taking counsel together with the clergy co-operate in the exercise of the power of governance which the clergy possess. The yogam is a canonical institute or an organ that

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35 Joseph Thoompunkal, “Laws on Administration of Temporal Goods especially in the Syro-Malabar Church”, *Eastern Legal Thought*, 4 (2005) 93.

36 Jacob Kollaparambil, “The Institute of Yogam in the Oriental Churches”, *Canonical Studies*, (Canon Law Society of India, Bombay, 1996) 62.



assists the governance of the parish. It is a definite community of Christian faithful and the pastoral care of this community is entrusted to a parish priest (CCEO cc. 29, 280). The parish priest has the care of souls and functions as principal co-operator of the eparchial bishop. He exercises his power under the authority of the Bishop.

The new juridical norm prescribed by canon 295 was absent in the previous eastern legislation. The study group of the Pontifical Revision Commission paid great attention to the conciliar and post-conciliar documents, the immemorial praxis of the Churches of Malabar and the Guidelines of the Revision of Oriental Code: “Oriental customs – sometimes of immemorial date -, relative to the participation of the laity in the ecclesiastical administration and on the apostolate, are to be preserved and encouraged, “Indeed, with the exception of the *Malabarese, Malankarese*, and may be some other Churches the introduction of the parish councils, as wanted by the Vatican II, will be a new experience in which the legislative authority of the eparchial bishop and that of the oriental synods will pay the greatest part.”<sup>37</sup>

As he promulgated the Code of Canons of the Eastern Churches, John Paul II exhorted the legislative authorities of the Eastern Churches to enact the proper laws of their churches expeditiously: “It is my intention that those who enjoy legislative power in each of the Churches *sui iuris* take counsel as quickly as possible y issuing particular norms, keeping in mind the traditions of their own rite as well as the teachings of the Second Vatican Council.”<sup>38</sup> In the light of the Papal instruction, the Particular laws concerning parish assembly of the Syro-Malabar

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37 *Nuntia* 3 (1976) 23; *Nuntia* 9 (1979) 76; *Nuntia* 26 (1988) 110.

38 John Paul II, Apostolic Constitution, *Sacri Canones*, 18 October 1990, AAS 83 (1990) 1038.

Church, Palliyogam-Procedure Rules, were formulated by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church, in exercise of its legislative power and promulgated by Major Archbishop on 16 January 1998 and went into effect on 03 July 1998.<sup>39</sup> As an expression of the ecclesial communion of all Christian faithful in the Church *Palliyogam* belongs to the venerable patrimony of the Syro-Malabar Church. The purpose of the Palliyogam is described as follows “*Palliyogam*, in its two forms, namely, *potuyogam* and *pratinidhiyogam* deans the body constituted in the Syro-Malabar Major Archiepiscopal Church through tradition as a specific expression of the communion of the people of God in the parish, to advise and assist the parish priest, the president thereof, and to work in collaboration with him in exercising the pastoral ministry and administering the financial matters of the parish.”<sup>40</sup>

The concepts of decision, consultation and consensus have due application in the procedure rule of *yogam*. It is not simply an advisory body alone. It has the right to deliberate on important matters affecting the parish generally and make decisions. Decisions of the *yogam* in the forum have rules of procedure of *yogam* force within its competence. It can pass resolutions and parishioners have right to complain; the priest the president has the right of dissent and he can record it in the book of resolutions; the bishop or the local hierarch has the right to veto. The eparchial bishop enjoys discretionary power as regards the modification or annulment of a resolution of *yogam*. He can even suspend the *yogam* for grave reasons and make alternate arrangements (art. 2) bishop can adapt the rules to remove doubt or difficulty. But the adaptation shall be consistent with the purpose of the common rules of procedure of *yogam*. The reformulated law shall be uniform and applicable to all member

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39 Synodal News, 6/1 (1998) 44 – 74; *Code of Particular Law of the Syro-Malabar Church*, pp. 108 – 134.

40 *Code of Particular Law of the Syro-Malabar Church*, 111.

of all parishes in the eparchy, e.g. term of *prathinidhiyogam*, number of *kaikkars*.<sup>41</sup>

## Conclusion

The travel account of *Varthamanappusthakam* written by Paremmakkal Thomma Cathanar is, indeed, a cultural source of the Syro-Malabar Church. It is a piece of scholarship or an exquisite workmanship of literature of lasting value. It is also termed a cognitive source as it contains a report about the actual disciplinary practice of a particular community at a specified period of time. As a norm of behaviour and fruit of accumulated wisdom of community the system of yogam can be considered as a constitutive source of law of the Syro-Malabar Church. Centuries before the ecclesiology of communion envisaged by the Second Vatican Council, the yogam was prevalent among the Saint Thomas Christians. Participation of the laity in the ecclesial governance is a unique contribution to the Universal Church. The laudable heritage of leadership of archdeacon with *yogam* was a system of governance. The role of Bishop presiding over the liturgical worship was also the legitimate custom. The principles of ‘resourcing’ and ‘updating’ find their relevance today.

They were deeply conscious of their apostolic tradition and the complete system of living with the entire Christian heritage was the law of Thomas. The customs and traditions handed down by the forefathers were dear to their heart and they had a normative value. It is doubtless, the yogam is unique to the ecclesiastical constitution and administration of the Church.

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41 Kaikkar is a member of the parish elected by *potuyogam* or *pratinidhiyogam* and confirmed and appointed by the local hierarch. E is a close collaborator of the parish priest in exercising pastoral ministry and conducting the economic matters of the parish.





# The Growth of Hierarchical Structure of the Syro-Malabar Church and the Book of Decrees of Mar Mathew Makil

Thomas Mathew Adoppillil\*

## Introduction

The end of the nineteenth century was a period which saw radical changes in both the Church and the society. The Syrian Christians of Kerala, who were under the authority of the Latin rite, began to move towards sovereignty. The agitation for self - rule on the basis of rites, collisions between sects, heresies, foreign domination and numerous other problems created unrest in Kerala. However with the apostolic letter, *Quod Jampridem*<sup>1</sup> of 1887 by Pope Leo XIII, a gradual shift to autonomy was implemented in the Syrian Church. This change nevertheless posed many challenges. A tremendous task lay before the Syrian Church as power shifted from foreign missionaries to native hands.

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1 *Acta Leonis XIII*, P.M.VII, 106-108.

The historic document, Apostolic letter *Quae rei sacrae*, of July 28, 1886,<sup>2</sup> by the Holy See, appointing Mathew Makil, Luis Pazheparambil and John Menacherry, in Changanacherry, Ernakulam and Trichur respectively, as vicars Apostolic put a temporary end to controversies. With the erection of separate vicariates the Syro-Malabar Church began to grow rapidly and constantly. After three centuries of foreign domination by which this apostolic Church was deprived of much of her glory and vitality, these three native bishops were faced with the task of renewing the Church. They took up the challenge with the courage and determination with which their forefathers had preserved and protected the Malabar Church throughout the centuries. Mar Mathew Makil was one of those three deemed worthy to guide the Thomas Christians in their new tryst with destiny. The crucial decisions and contributions he gave to the Syrian Church laid the foundation for all future developments in the Syro Malabar Church. His successors, followers, and the faithful treaded on the path he paved with foresight.

When the first three autochthonous bishops took charge of their respective vicariates, there was a grave need for an organized code of law. At that time the only available code of law was the statutes of Msgr. Mellano, the archbishop of Verapoly, which was published in 1879. So Mar Mathew Makil formulated a code of canons for the governance of his vicariate which became the first code of canon law for the Syro-Malabar Church. The book of decrees was the product of Mar Makil's convictions about faith and the Church. Moreover it was helpful in molding the juridical structure of the Syro Malabar Church. As Archbishop Moolakkatt points out:

“This book which was prepared by Mar Makil in the spirit of Eastern traditions and at the same time including

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2 *Acta Leonis XIII*, P.M.XVI, 229-232.

the rules of the universal Church, was very useful for the uniqueness of the Syro Malabar Church and for the needs of the time”<sup>3</sup>.

This became the source and guide for the ecclesial life of clergy and the faithful. This remained the basic law of St. Thomas Christians for a century until the Particular Law promulgated by the Syro-Malabar Synod in 1994 based on the CCEO that came about in 1990.

In this article, the study is limited on the norms and regulations contained in the Book of Decrees, the most important canonical work of this period. In the first part we will take a glance at the life of Mar Mathew Makil, one of the greatest luminaries of the Syro-Malabar Church and in the second part on the Book of decrees as a whole. In the third part we will compare the specific norms in the Book of decrees with the corresponding canons in the common Code CCEO.

## **1. Brief Biographical Profile of Mar Mathew Makil**

A glance at the life of the Mar Mathew Makil reveals him as an extraordinary sage and a reformer of the Syro-Malabar Church.<sup>4</sup>

### **1.1. Early Life**

Mar Mathew Makil was born on March 27, 1851 and was baptized at St. George Forane church, Kaipuzha, by his own paternal uncle Rev. Fr. Joseph Makil. He was the third child of his parents, Thomman and Anna, Makil Puthenpurayil of Manjoor, an honorable and well to do family in the District of Kottayam, Kerala, India. The religious fervor and prayerful

3 Moolakkatt Mathew, *The Book of Decrees of Mar Mathew Makil-a Historico-Juridical Study*, Syrian Churches Series XXI, Bangalore, (2009) 416-417.

4 Moolakkatt Mathew, *The Book of Decrees of Mar Mathew Makil*, 1-2.

atmosphere that prevailed in the family shaped him into a God fearing young man. He received the Sacrament of Confirmation in the same church where he was baptized at. He started his education at the age of five. He was a quick learner of prayers and devotional songs. His close association with his uncle, Rev. Fr. Joseph Makil, kindled in his mind a strong desire to become a priest and eventually he joined the seminary at Mannanam in 1865, where he started learning Syriac, the liturgical language of the Church. In 1866 he joined the first group of students in the newly established seminary at Puthenpally, Varapuzha. Msgr. Marcellinus Berardi O.C.D was the Rector throughout his seminary life. On completion of his studies at this major seminary where his zeal for God thrived immeasurably, he was ordained on May 30, 1874 by Archbishop Leonard Mellano, Vicar Apostolic of Varapuzha. On June 8, 1874, in full solemnity and fervor he celebrated his First Holy Eucharist at Vanampady Parish near the seminary.

## **1.2. Priestly Ministry**

A priest who participates in the ministerial priesthood of Christ shares in His threefold mission: namely, to govern, to teach and to sanctify<sup>5</sup> Mar Mathew Makil heroically accomplished these three missions of Christ. Soon after ordination Msgr. Marcellinus Berardi, Rector and teacher of Mar Makil, realizing his wisdom and purity of heart, appointed him Syriac professor of the seminary at Puthenpally. He taught for two years.

Because of the request of his uncle Fr. Joseph Makil, he was relieved from the seminary and was appointed assistant parish priest at Kaipuzha, his home parish. After that he served as parish priest of Edackat and Kaipuzha parishes, the two major parishes of the Southist community. Firmly rooted in

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5 *Ordinatio Sacerdotalis* - Apostolic letter of John Paul II No. 1.



Eucharistic spirituality, he served the people of God, taught them and sanctified them. They reciprocated with great love, respect and gratitude. During this period Marcellinus Berardi, O.C.D was nominated co-adjutor bishop of Varapuzha in 1877. In 1886 Bishop Berardi brought Fr. Mathew Makil as secretary to the Archbishop of Varapuzha. This new appointment was a recognition of his sanctity, simplicity and proficiency in Latin and English languages. He took charge as secretary on February 1, 1886 and remained an inseparable companion of the bishop.

### **1.3. Vicar General of the Southist**

After years of persistent request to the Holy See for a separate Vicariate, the Syrian Christians of Kerala were separated from the Latin Rite in 1887.<sup>6</sup> Resultantly, Kottayam and Trichur

- 6 The Syro-Malabar Church is one of the most flourishing and promising churches today. Its growth in the twentieth century has been said to be marvelous. The establishment of the Syro-Malabar Hierarchy in the year 1923 was the take off that gave momentum to this growth. In step with this growth the juridical sources also have become manifold and complex. Besides the code of oriental Canon Law and other norms promulgated by the Holy See, the eparchial statutes and constitutions comprise the main stock of the juridical source of this century. At present the Syro-Malabar Major Archiepiscopal Church is the second largest Eastern Church in the Catholic communion. According to tradition, the Apostle Thomas founded this Church. See THE SYNOD OF THE SYRO-MALABAR MAJOR ARCHIEPISCOPAL CHURCH, *Synodal News*, 1 (1993), p. 1. *Synodal News* is the Bulletin of the Syro-Malabar Major Archiepiscopal Church. This bulletin carries the important documents and news related to this Church. The Apostle Thomas came by sea, with the light of faith, and first landed at Cranganore on the Kerala coast in 52 AD. This tradition is strong, living and is connected with definite places and even families and is also shared by the Hindus. The Christians of Malabar, therefore, are called the Thomas Christians or St. Thomas Christians. For a brief history of this Church, see POSPISHIL, *Eastern Catholic Church Law*, pp. 27-28; FARIS, *Eastern Catholic Churches*, pp. 64-66. For a short historical sketch, canonical sources and hierarchical Grades of the Syro-Malabar Church before Second Vatican Council see Thomas PUTHIYAKUNNEL, *Syro-Malabar Clergy and their General Obligations: An Historico-*

Vicariates were constituted by H. H. Pope Leo XIII through the Apostolic Letter *Quod jampridem* on May 20, 1887. Bishop Charles Lavigne S.J. was appointed the Vicar Apostolic of Kottayam. The Vicariate of Kottayam consisted of two different ethnic groups, the Northists and the Southists. With the approval of the Holy See, Bishop Lavigne appointed two Vicars General; one for the Northists and the other for the Southists with the expectation of a peaceful co-existence. Through a circular of September 8, 1889 Msgr. Lavigne appointed Fr. Mathew Makil as the Vicar General for the Southists and Fr. Mani Nidhirickal for the Northists. As for Vicar General, Fr. Makil strived hard for

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*Juridical Study in the Light of Canons 60-87 of the motu proprio "Cleri sanctitati,"* Ernakulam, Vincentian Publishing Bureau, 1964, pp. 1-30. For an overall view of laws and regulations of Syro-Malabar Church, see Andrews THAZHATH, *The Juridical Sources of the Syro-Malabar Church*, Kottayam, Pontifical Institute of Religious Studies, 1987. Among St. Thomas Christians of India, now there are two ethnically distinct communities known as the Northists and the Southists (*Vatakumbhagar and Thekkumbhagar in the native language Malayalam*). According to the generally accepted tradition, the Northists are the descendants of those who were evangelized by the apostle Thomas and later convert while the Southists trace their origin back to 72 Mesopotamian Christian families who immigrated to India under the leadership of Thomas Kinayi and settled in Cranganore in 345 AD. These ethnic distinctions also run across their ecclesial division into Catholics and non-Catholics. Southists form but a small minority counting about 200,000 persons out of the total four and a half million Oriental Christians in India. About two-thirds of the Southists are Catholics and the rest Syrian Orthodox acknowledging the spiritual authority of the Patriarch of Antioch. Ecclesiastically also, the Southists, both the Catholics and the Orthodox, are now organized into exclusive eparchies, distinct from the many eparchies of the Northists. The Archeparchy of Kottayam is erected exclusively for the Southists among Catholics, and the Southist Orthodox has their own eparchy of Chingavanam. The Archeparchy of Kottayam follows the particular law of Syro-Malabar Church. In order to find out the origin of the Southists among the St. Thomas Christians, see Jacob KOLLAPARAMBIL, *The Babylonian Origin of the Southists among the St. Thomas Christians*, Roma, *Orientalia Christiana Analecta*, 1992.

the integral development of the Southists working hand in hand with Bishop Lavigne.

#### **1.4. Vicar Apostolic of Changanacherry**

After a careful consideration of the suggestions of the Delegate Apostolic, the Holy See decided to erect three new Vicariates for the Syro-Malabarians in place of the then existing two Vicariates. Through the Apostolic Brief *Quae rei sacrae* of July 28, 1896, Pope Leo XIII appointed Fr. Mathew Makil as the Vicar Apostolic of Changanacherry; Fr. John Menachery as the Vicar apostolic of Trichur, and Fr. Luis Pazheparambil as the Vicar Apostolic of Ernakulam. The longing of the Syro Malabar Christians for indigenous bishops came to fruition on October 25, 1896 with the ordination of three indigenous bishops. Mar Makil was ordained titular bishop of Trallas and Vicar Apostolic of Changanacherry at Kandy by Msgr. Zalesky along with bishop Menachery and bishop Pazheparambil. The appointment of indigenous bishops was a cause for great joy in the Syro-Malabar Church. Mar Makil's appointment was for both Northists and Southists. It caused uproar because he hailed from the minority Southist community which numbered only around 20,000, while the Northists counted approximately 150000. Sensing the disaffection of the Northists, and “For the sake of not incurring disorders in the Syrian church and to alleviate my conscience”, Mar Makil pleaded with the Apostolic delegate and the Holy See to reconsider his appointment. Despite the letters and telegrams sent from the Vicariate of Changanacherry, the Holy See was firm on its decision to consecrate Fr. Makil and the other two at Kandy on October 25, 1896. In obedience to the Holy See and in submission to the will of God Mar Makil set out to Kandy with the other bishop candidates.

He was well aware that he would not be received wholeheartedly by the majority (Northists), but laying his trust in divine providence he took on his responsibility as the shepherd

of the Vicariate of Changanacherry. Mar Makil gave himself for the spiritual, social, and educational welfare of the faithful. Although he was a Southist, he never limited his service to a few. He took the arduous effort to render his care and service to all. Nevertheless oppositions galore and adversaries outnumbered in his fifteen years' tenure. In order to ease the tension between the two communities Mar Makil wanted to get a Northists bishop appointed for the Northists community. His efforts resulted in the appointment of Mar Thomas Kurialasserry as his successor. The Vicariate of Kottayam for the Southist was constituted on August 29, 1911 and Mar Makil got transferred to Kottayam. Mar Thomas Kurialasserry was appointed strictly for the Vicar Apostolic of Changanacherry.

### **1.5. Vicar Apostolic of Kottayam**

As the Vicar Apostolic of Kottayam, Mar Makil tried his best to lay a solid foundation to the new Vicariate. He chose Edackat church as the Cathedral. The one who went to Rome as the bishop of the largest Vicariate of the Syrian Church returned as the bishop of the smallest vicariate. By this altruistic act, he however secured freedom and autonomy for the Southists.

### **1.6. To the eternal abode**

Though Mar Makil prepared several projects for the vicariate, he was called for his eternal reward before their realization. In January 1914 Bishop Mathew Makil's health began to deteriorate and on 21 January 1914 he celebrated his last Mass. On 25 January, it was noted that he was excreting blood instead of urine and on 26 January afternoon by 14.30 pm, his condition became very critical. On 26 January 1914 at 16.30 pm, after giving his final blessings to those around him, he leaned his head into the arms of his brother and secretary and peacefully slept in the Lord. His mortal body was buried in the Cathedral church Edackat, Kottayam.

After 63 years of his earthly sojourn, completing the mission entrusted to him, and having laid the foundations of the future Syro-Malabar hierarchy, Mar Makil left for heaven. Ever after, people from different walks of life continue to visit his tomb praying for his intercession. His death anniversary every year attracts countless people.

It was God's will that he would lead the community only for a short period. However, within the period he could lead the community to remarkable growth and also reach out to many people with the message of love and peace. Bishop Mathew Makil was a man of prayer and practiced virtues to a heroic degree. There are reports about several favors received through his intercession. His life of sacrifices, sufferings and patience, his love for the Church, total obedience to the ecclesiastical authorities, decisions based on justice and prudence, fraternal care and pastoral concern for the priests and laity, zeal as good shepherd, simplicity and humility of life, life of deep spirituality and prayer, compassion for the poor and the sick, and his humane and noble character, all contributed to making him a man of God and a man for others.

## **2. The Book of Decrees**

Mar Mathew Makil, Bishop of Tralles and Vicar Apostolic of Changanacherry, promulgated on 21 September 1903 in Malayalam a code of law for his Vicariate under the long title *The Book of Decrees (Decreth)* containing Laws and Regulations on Faith, Priests, Faithful, Sacraments, Churches, Feasts, Income of the parish and priests, etc. for the Administration of the Apostolic Vicariate of Changanacherry.<sup>7</sup>

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7 The *Book of Decrees* is qualified as the canon law in the sense that for all practical purposes it can be considered as the canon law of the vicariate. However, the book of decrees itself shows that these laws are not synonymous with the holy canons of the church, and that these laws are

The Book of Decrees is the first canonical codification of the laws of St. Thomas Christians, made in the historical context of their ritual separation from the Latin Church and the transition of power to autochthonous bishops. This is the official resource book and reference for St. Thomas Christians of India. This work is a testimony of the care and concern of a bishop and shepherd towards the sheep, in order to bring them up as a well-knit community according to the laws of Church. A purview of the contents reveals the extreme care of Mar Makil regarding the faithful in the different areas of their spiritual and ecclesial growth. Besides, based on the 'Law of Thomas', the Book of Decrees acted as a model and source for the eparchial statutes promulgated later in the Syro-Malabar Church and also it has probably contributed much in the formulation of the particular law of the Syro-Malabar Church.

The book of decrees is divided into 38 chapters, besides the letter of promulgation and the table of contents. Out of its 38 chapters, 29 are on canons and 9 on liturgical rituals. This is a compendium of canon law and liturgy. It was printed only later in 1909 at Mannanam, a sizable book with 248 + v pages.

The sources used for its compilation are enumerated by the legislator himself in the letter of promulgation. They are: (i) the pastoral letter on "The regulations which the Syrian Rite Churches and priests should observe" issued by Mellano in 1871.<sup>8</sup> (ii) The Statutes and Decrees of Verapoly decreed by Mellano in 1879; (iii) the regulations published by Msgr. Charles Lavigne, the Vicar Apostolic of Kottayam, in 1891; and (iv) the pastoral letter of Msgr. Lavigne in 1891 regarding vicars foranes.<sup>9</sup>

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the concrete application of the holy canons. Cf. Makil, *Book of Decrees*, 4:27, p.38; 26:3, p.169.

8 Mellano, *Statutes and decrees of the Apostolic Vicariate Verapoly* (Malayalam), Koonammavue, 1879, pp.57-63 no.21.

9 Makil, *Book of Decrees*, 2.

A comparative study of the Statutes and Decrees of Verapoly of Mellano and the Book of Decrees of Makil shows that Makil has taken over most of the basic regulations of Mellano word by word for his codification.<sup>10</sup> Makil has added some liturgical regulations - mostly Latin - as his own. The reason given by Makil for the compilation of the Book of Decrees is the same as that for the Statutes of Mellano. Out of the 38 chapters of the Book of Decrees, the first 29 are devoted to legislation of a disciplinary nature. The rest examine the rites and rubrics of certain liturgical ceremonies, such as, the form of absolution from excommunication, administration of Viaticum to the sick, the formula of the profession of faith for the Orientals as prescribed by Popes Pius IV and Pius IX, rubrics for binating the Holy Mass, exposition of the Blessed Sacrament and the solemn liturgical form of receiving bishops during their pastoral visits. These laws and rubrics are mostly taken from the *Rituale Romanum* of the Latin Rite.

The disciplinary legislation of Makil deals with faith, the diocesan clergy, the faithful, the sacraments in general and each of them in particular, the administration of the temporalities of the parishes, the income of parishes and priests, confraternities, feasts, fasts and abstinences, the last will and testament, perjury, the printing press and forbidden books. In the present work, only the important additions and changes made by Makil to the disciplinary norms of Mellano are pointed out.

- i) **On the rights and duties of Vicars Forane:** As is understood from the Book of Decrees, Msgr. Lavigne divided the Vicariate into different districts and placed each under a vicar Forane. These vicars Forane had already been given extensive faculties with specific

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10 Thazhath Andrews, *The Juridical Sources of the Syro - Malabar Church*, (OIRSI, No 106, Vadavathoor, 1987) 251-254.

rights and duties for the better administration of the Vicariate. After this model, Makil has six regulations asking the vicars Forane to make pastoral visits in their respective foranes and to inquire into the life and conduct of vicars, assistants, and other priests of the parishes; the liturgical life of the parishes, homilies, catechism, administration of the parishes; etc. Makil gives to vicars Forane eleven faculties, namely, faculties to dispense from the first marriage Bann, to dispense, temporarily, individuals from the obligation of fast and abstinence, to erect the Way of the Cross' with usual indulgences, to permit special processions with statues of saints on special occasions, such as, pestilence, to bless sacred vestments, cemeteries, etc., to grant leave to priests for a week, to receive heretics into the Church and to delegate this power to other priests, to permit the faithful to work on Sundays and on days of obligation, etc. We find here many similarities between these faculties and duties granted to vicars Forane and those granted by Baccinelli and Mellano to their Syrian Vicars General.

- ii) **On Vicars (Pastors) and Assistants:** Makil has an entirely new chapter with 20 regulations on the duties of the parish vicars and assistants.<sup>11</sup> Some of these regulations are more of an exhortatory nature. These regulations deal with the taking charge of the parishes, administration of the sacraments, homilies, keeping registers, catechism, pastoral care of the faithful, etc. Makil orders priests to submit Mass account books to the diocesan curia during the annual retreat.<sup>12</sup>

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11 Makil, *Book of Decrees*, 19-27.

12 Makil, *Book of Decrees*, 29.



- iii) **On the laity:** Makil has more extensive exhortatory regulations on the duties of the parents regarding the Christian upbringing of their children.<sup>13</sup>
- iv) **On the Sacraments and Sacramentals:** While Mellano gives only a brief introduction to the sacraments, Makil has six regulations.<sup>14</sup> He pays more attention to the baptism of the new converts and pagan children.<sup>15</sup> Following the Roman Ritual, Makil enacts extra regulations on the Eucharistic celebration, benediction with the Blessed Sacrament on feast days, tabernacles', first Holy Communion, etc.
- v) **On reserved sin:** Makil enlarges the reserved cases of the Vicariate."<sup>16</sup> Besides 13 cases of ecclesiastical censures of ex-communication, the absolution of which is reserved either to the Pope or to himself, Makil has four cases of censures of interdicts reserved to him.<sup>17</sup>
- vi) **On marriage:** On marriage regulations, Makil has more details regarding betrothal and dowry. He raises the minimum age of marriage to 17 for men and 15 for women. He gives special regulations on the marriage of Vagi and of new converts.<sup>18</sup>
- vii) **An appreciation:** Since the disciplinary regulations of the Book of Decrees are more or less identical with the statutes and decrees of Mellano, there is no need

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13 Makil, *Book of Decrees*, 44-47.

14 Makil, *Book of Decrees*, 50-52.

15 Makil, *Book of Decrees*, 58-61.

16 For Mellano there are six cases of excommunication the absolution of which is reserved to the supreme pontiff and seven other cases reserved to him, Makil reserves seven cases to the pope and six to himself.

17 Makil, *Book of Decrees*, 96-99.

18 Makil, *Book of Decrees*, 111-126.

for extensive comment here. The additions of Makil regarding vicars Forane, vicars and assistants show his pastoral care. He granted to vicars, assistants in charge of filial Churches, and priors and vicars of Syrian Carmelite monasteries the faculty to shorten the period of penance and when necessary to commute it. The Book of Decrees was in force in the dioceses of Changanacherry and Kottayam until recent times.<sup>19</sup>

### **3. THE BOOK OF DECREES IN THE CONTEXT OF THE CCEO<sup>20</sup>**

The CCEO is the first common code of Canon Law for all the Oriental Catholic Churches. Already, before the First Vatican Council, the need for the codification of Canon Law was seriously felt among the ecclesiastical circles. The deplorable state of Canon Law in this period is described by Coriden in the following words:

“The sheer number of extant laws was vast; they had grown like mushrooms in the ensuing centuries. They were not systematically arranged; often they were listed in chronological order. Some of the documents in the collections were not laws at all, some were contradictory, some had been abrogated or fallen into desuetude, many were written in a diffuse and obscure prose”. The canons had grown into a large thicket in which living and dead branches intertwined, making a passage exceedingly difficult even for the skilled canonist. In preparation for the First Vatican Council a group of French bishops had written to Rome: "We are drowning in laws".<sup>21</sup>

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19 Thazhath Andrews, *The Juridical Sources of the Syro-Malabar Church*, 253-254.

20 This section mostly depended on *The Book of Decrees of Mar Mathew Makil* by Archbishop Mathew Moolakkatt pp.360-366.

21 Coriden J.A. et al., *An Introduction to Canon Law*, 26.

The promulgation of the *Codex Iuris Canonici* on 27 May 1917 by Pope Benedict XV for the Latin Church was a partial response to this state of affairs. Commenting on this Code of Canon Law” John A. Alesandro writes:

“The Code of Canon Law abrogated, or replaced, all other extant universal canonical legislation; as such, its 2414 canons represented the most radical revision of law the Church had ever effected, surpassing even the monumental contribution of the *Decretum Gratiani* eight centuries earlier. ... At the moment of its promulgation, the Code was the most centralized and clearest system of universal legislation the Church had ever known.”<sup>22</sup>

However, the Oriental Churches had to wait still further for a common code of canon law for all the Oriental Catholic Churches, although in the preparatory commissions for the Vatican I and during the Council, this need was strongly expressed especially by the Oriental Prelates. As a response to these requests, the Holy See appointed a commission for the codification of the Oriental Canon Law and it was partially promulgated by four *motu proprio* before the Second Vatican Council.

The Second Vatican Council had great impact on the Canon Law of the Church, the renewal of which had already been announced by Pope John XXIII as an accompaniment and coronation of the Council.<sup>23</sup> In fact the discussions in the Council and the decrees of the Council enhanced the need for the revision of the Canon Law. Probably more than any of the twenty other ecumenical councils, Vatican II required a whole set of laws for its proper implementation. This was the direct result of John XXIII's decision to convoke a "pastoral" council. The pastoral emphasis

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22 A. ALESANDRO, "General Introduction," in J. A. CORIDEN, *The Code of Canon Law*, 4.

23 AAS 51 (1959) 68.

of the deliberations and decrees directly affected church discipline and ecclesial activity.<sup>24</sup>

As a response to this felt need, imbibing the spirit of the Council, the *Codex Iuris Canonici* (CIC) was promulgated for the Latin Church on 25 January 1983 and came into force on the first day of the Advent of the same year. The *Codex Canonum Ecclesiarum Orientalium* (CCEO) was promulgated on 18 October 1990 as the common code of Canon Law for all the Oriental Churches and it came into force on 1 October 1991. The CCEO, being the common code, leaves the particulars to the *ius particulare*, to be formulated by each of the *Sui iuris* Churches in the Catholic communion.

### **3.1. Provisions in the CCEO for *ius particulare***

The CCEO has indeed supplied for the deficiency of a common code for all the Oriental Catholic Churches. However, it is only the first step as regards the realization of the aims envisaged by the Council. It is up to each *Sui iuris* Church to formulate its own laws in the light of the norms contained in the common code and also in view of its own identity and individuality. The juridical history and the canonical traditions of each Church have to be respected and revitalized in order that the regulations might be able to maintain the spirit of the new Code while upholding the uniqueness and individuality of each Church. In other words the promulgation of the common code is only half the work in the realization of the revitalization of the canonical traditions of the Oriental Catholic Churches. In this respect the words of Farris seem to be worth recalling:

The promulgation of the Eastern Code will mark only a half-way point in the legal reform of the Eastern Churches. Subsequent

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24 A. ALESANDRO, "General Introduction," in J. A. CORIDEN, *The Code of Canon Law*, 5.

to the promulgation of the common code, the competent authorities of each of the ritual Churches will have the responsibility of "personalizing" the Code with their own legislation.<sup>25</sup>

In this process of personalizing the Code, the juridical traditions of each *Sui iuris* Church have a vital role to play.

### **3.2. *Ius particulare* of the Malabar Church**

The need for a Canon Law for the Oriental Churches as distinct from the Canon Law of the Latin Church was already felt before, and during the Vatican I. But, since the Council had come to an abrupt end due to unprecedented reasons, it could not legislate on this matter. However, the ideas proposed regarding the revivification of the Oriental traditions, especially the juridical patrimony of Oriental Churches, received attention in the Church. The method suggested for the implementation of this project was the perfection of the canonical disciplines of the various Oriental Churches, and the subsequent approval of them by the Holy See. Hence, many of the different Oriental Catholic Churches had their own synods, and discussed and codified their canonical disciplines.<sup>26</sup> These codifications of the different Churches are an important source of the *ius particulare* of those Churches, and they were used as source material for the codification of the common code.

At this juncture, the Syro-Malabar Church had only recently been liberated from the Latin jurisdiction and entrusted to the Syro-Malabar prelates, this having taken place in 1896. The hierarchy of the Church was not constituted in the Oriental pattern. There was neither a synod for the whole Syro- Malabar Church, nor a common head. The three Vicariates were directly dependent on

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25 Farris J.D., Codification and Revision of Eastern Canon law, p.459.

26 For more details see *Prefatio of Codex Canonum Ecclesiarum Orientalium*, published in AAS (1990) 1048-1049.

Rome. Hence, it was not practical for the Syro-Malabar Church to hold a synod and to codify the canonical discipline, which on the other hand had been subjected to various changes and modifications during the period of Latin jurisdiction. At the same time, the Syro-Malabar Church was also supposed to respond to the invitation to revive the canonical traditions of the Oriental Churches. The *Book of Decrees* promulgated by Mar Makil in 1903 might be seen as a timely response of the Syro-Malabar Church to this invitation. Hence it may be rightly said that it forms one of the important sources of the *ius particulare* of the Syro-Malabar Church, the formulation of which is called, for by the CCEO.

A careful study of the Book of Decrees can reveal various important aspects' of the juridical discipline of the Malabar church. First of all it can bring out how the various juridical disciplines influenced the Law of Thomas, and how the Syro-Malabar church reacted to those influences. Since it is the first canonical codification after the ritual separation and transition of power from the Latin into oriental jurisdiction, a scientific study of the book of decrees might reveal how far the law of Thomas succeeded in retaining and re-establishing itself during and after the Latin jurisdiction.

#### **4. Comparison between CCEO and the Book of Decrees**

The CCEO as the common code promulgated for all the Oriental Catholic Churches, is more comprehensive, and contains general norms leaving the particularities to be determined by the *ius particulare*. The Book of Decrees does not deal with all the aspects of Canon Law that are dealt with in the CCEO. Hence, in the comparison between the Book of Decrees and the CCEO only those norms that are dealt with in the Book of Decrees will be compared with the canons in the CCEO.

Although the Book of Decrees is the first canonical codification in the Syro-Malabar Church, and it forms one of the important sources of the *ius particulare*, being an eparchial statute, the Book of Decrees cannot claim to be the exclusive codification of the Law of Thomas after the ritual separation. The various eparchies in the Syro-Malabar Church have promulgated their respective eparchial statutes.<sup>27</sup> All these codifications together with the unwritten practices and traditions of the Malabar Church would contribute to the codification of the *ius particulare*. Hence, in the comparison of the norms in the Book of Decrees with the canons in the CCEO, whenever there is a considerable difference between the norms in the Book of Decrees and the corresponding norms in the other eparchial statutes, we will mention the difference and show which of the norms are more in tune with the common code.

#### **4.1. Norms on the Christian Faithful**

The Book of Decrees does not explicitly enumerate the rights of the faithful. One of the rights of the Christian faithful mentioned in the Book of Decrees is that of receiving the sacraments and other spiritual assistance from the pastors of the Church. This right of the faithful is explicitly stated also in the CCEO.<sup>28</sup> Another right of the Christian faithful mentioned in the Book of Decrees is the freedom of the faithful regarding their offering for the Mass and donations to the church, especially in the commutation of oaths. Probably, since the situation that might

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27 For more detailed understanding of the laws and regulations of the Syro-Malabar eparchies see A. THAZHATH, *Juridical Sources*, pp. 287-302).

28 Mar Makil, *Decrees*, 7: 3; CCEO, c. 15 §2 says that the Christian faithful are free to make known their needs, especially spiritual ones to the pastors of the Church; c. 16 says that it is a right of the faithful to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments; c. 381 §2 says that it is the obligation of the clerics to see that this right of the faithful is respected.

have necessitated such a regulation does not exist today, a parallel canon is not found in the common code. However, the idea behind those norms can be seen also in the common code.<sup>29</sup>

The Book of Decrees contains a good number of norms and regulations on Christian conduct. They appear to be drawn from the practical need felt in the Malabar Church of that period. Many of these regulations can be said to be moral principles rather than juridical norms. The intermingling of these two disciplines, namely moral theology and Canon Law, appears to be a characteristic feature of the period in which the Book of Decrees was promulgated. Commenting on the state of Canon Law before the promulgation of *Codex Iuris Canonici* (1917), Coriden writes: Canon law had become formalistic and repetitive. Its study in seminaries and religious houses of studies was shallow and historical. In important areas (e.g., sacraments, penalties, and clerical obligations) its teaching was combined with that of moral theology and neither discipline benefitted from the marriage.<sup>30</sup>

The influence of the interaction between canon law and moral theology in the Syro-Malabar Church can be seen also in the various eparchial statutes promulgated later.<sup>31</sup>

One of the guidelines accepted by the commission for the revision of the Oriental Canon Law was that the codification should have a juridical nature. The guideline clearly states:

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29 Mar Makil, Decrees, 3: 11; CCEO, c. 716 recommends to the bishops to see that only those contributions which the faithful spontaneously offer might be received on the occasion of the Divine Liturgy; c. 891 mentions commutation, but does not give details regarding it.

30 J. A. CORIDEN, *An Introduction to Canon Law*; 25.

31 For example, the eparchial statutes of Trichur says that women and girls who are careless in dress should be denied the sacraments. Statutes of TCR, 32, n. 198. Referring to the directives of the Holy See, the statutes of Ernakulam gives more detailed regulations in this regard. Statutes of EKM, 85-86, n. 163.



Though founded on dogma, as propounded by the Church's authentic magisterium, the Code is not meant to be a body of truths and exhortations on the subject of Faith and Morals but, quite definitely, a body of laws governing the practical life of the faithful.<sup>32</sup>

In the light of the principle set by the commission for the codification, in the CCEO one may not expect the moral norms and regulations that have been included in the Book of Decrees. However, from a careful comparison of the norms in the Book of Decrees and in the CCEO, it may be seen that some of the Rules of conduct prescribed in the Book of Decrees have their parallel or similar norms in the CCEO. Thus, for instance, the regulations in the Book of Decrees on the use of alcoholic drinks, and on gambling and cock-fighting, can be said to be reflected in the general norm in the CCEO which exhorts all the Christian faithful to make an effort to live a holy life and to promote the growth of the Church and its continual sanctification.<sup>33</sup> The norms given in the Book of Decrees are practical applications of the invitation extended in the CCEO to the lay people who live in the married state to work for the up building of the people of God through their marriage their family, and the exhortation to parents to form their children by word and example, in faith and Christian living.

While the Book of Decrees gives detailed norms on perjury, the common code, probably in holding to the principle of maintaining the juridical character of the Code, abstains from explaining the details regarding perjury and limits itself to saying that perjury can be punished.<sup>34</sup> The norms in the Book

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32 *Nuntia* 3 (1976) 20.

33 Mar Makil, Decrees, 5: 1-3; CCEO, c. 13. See also CCEO, c. 401.

34 Mar Makil, Decrees, 5: 3-8; CCEO, c. 407.

of Decrees on transactions<sup>35</sup> also do not find a direct parallel in the common code. The Book of Decrees gives certain norms regarding the last will and testament to be made by the Christian faithful, while the common code keeps silence on this, and gives a few canons on pious wills and pious foundations.<sup>36</sup>

Most of the norms given in the Book of Decrees on the confraternity of Mary have much similarity with the norms given in the CCEO on the associations of the faithful.<sup>37</sup> According to the Book of Decrees, the association should be established by bishops, and should have rules approved by the bishop. The aims of the Confraternity as described in the Book of Decrees show that it comes under the associations mentioned in the CCEO, the competent authority for the erection of which, is the bishop in the eparchy.<sup>38</sup>

The qualifications of the members of the Confraternity as described in the Book of Decrees seem to be more specific in character as compared to the general norms given in this regard in the CCEO.<sup>39</sup> The regulations in the Book of Decrees regarding the admission of new members show the vigilance of

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35 Mar Makil, Decrees, 24.

36 Mar Makil, Decrees, 25; CCEO, cc. 1043-1054. It may be noted that the CCEO also exhorts to respect the will of the testator and as far as possible, to observe the prescriptions of the civil law.

37 Mar Makil, Decrees, 20; CCEO, cc. 573-583.

38 Mar Makil, Decrees, 20: 1. Although canon 18 of the Common Code accepts the right of the Christian faithful to found and direct associations, canon 573 makes it clear that only those associations erected or approved by the competent ecclesiastical authority can be called public associations. Canon 575 states who is the legitimate authority to establish or approve the associations of the Christian faithful?

39 Mar Makil, Decrees, 20:3; CCEO, c. 580 says that one who has publicly rejected the Catholic faith, or has publicly abandoned communion with the Catholic Church, or has been punished with major excommunication, cannot validly be received into associations.

the eparchial bishop over the functioning of the associations.<sup>40</sup> Both the Book of Decrees and the CCEO say that the financial administration of the associations should be carried out according to the administration of the temporal goods of the Church.<sup>41</sup>

The regulations in the Book of Decrees on the clergy find many parallels in the CCEO. The Book of Decrees begins the section on the clergy with the exhortation to attain personal perfection and holiness.<sup>42</sup> Personal prayer and daily meditation, frequent reception of the sacrament of confession, devotion to the mother of God, and annual retreats are some of the spiritual exercises specially suggested by the Book of Decrees. The common code contains almost identical norms in this regard.<sup>43</sup> While the Book of Decrees demands that the clergy should pray the Divine Office according to the rubrics and time decided by the Church the CCEO leaves this matter to the particular law of the *sui iuris* Church.<sup>44</sup>

The Book of Decrees reminds the priests about the respect, reverence and submission they have promised to their bishop, and asks them to maintain also mutual respect, unity and love among themselves. Similar norms can be seen in the CCEO.<sup>45</sup> While the law of residence and the norms regarding clerical

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40 Mar Makil, Decrees, 20:2; CCEO, c. 577 speaks about the vigilance of the ecclesiastical authority to see that integrity of faith and morals is preserved in them, and that abuses are not crept in; c. 578 demands that the members should be received according to the norm of law and the statutes of the association.

41 Mar Makil, Decrees, 20:7; CCEO, c. 582.

42 Mar Makil, Decrees, 4:1; CCEO, c. 368.

43 Makil, Decrees, 4:1; .2-6; CCEO, c. 369 §1.

44 Mar Makil, Decrees, 4:3; CCEO, c. 377.

45 Mar Makil, Decrees, 4: 21-23; CCEO, c. 370.

habit are discussed in detail in the Book of Decrees, the CCEO leaves these matters to the particular law.<sup>46</sup>

In the model of the ancient canons according to which the clerics were not allowed to exercise certain functions, the Book of Decrees also contains norms which forbid certain activities for the clerics. Regarding those activities there appears to have conformity between the Book of Decrees and the common code.<sup>47</sup> Both the Decrees and the CCEO forbid priests to engage in trade or business. The common code also exhorts the clerics to avoid undue attachment to wealth.<sup>48</sup> The Book of Decrees demands that the clerics should not be presented before the law courts without the permission of the bishop.<sup>49</sup>

Clerics have the right for sustenance and hence the common code asks each *sui iuris* Church to make the particular law to see that the clerics are properly sustained. In order to assure that the clerics would have the necessary means to meet their needs, the Book of Decrees demands that a stable property should be set apart as the patrimony of the candidate before he receives the sub diaconate. The Decrees also determine the amount of patrimony. In the common code there is no mention of the patrimony system. Rather as regards the title of ordination, the CCEO suggests

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46 Mar Makil, Decrees, 4: 7,13; CCEO, cc. 386-387.

47 Mark Makil, Decrees, 4:8-24; CCEO c. 371 §3. c. 382 asks the clerics to abstain from all those things unbecoming to their state, according to the norms more clearly defined by the particular law; c. 383, n. 3 asks the clerics to make use of exemptions granted by the civil law.

48 Mar Makil, Decrees, 4:8; CCEO, c. 385 §1 exhorts the clerics to be imbued with the spirit of the poverty of Christ, and to give examples by their lives; §2 forbids the clerics to exercise trade or business directly or indirectly without the permission of the authority defined by the particular law; c. 1466 says that those clerics who engage in business for money making can be adequately punished.

49 Mar Makil, Decrees, 4: 18. Although the CCEO is not so precise in this matter, c. 389 advises the clerics that whenever possible the disputes should be settled in the ecclesiastical courts.

ascription of the candidate to an eparchy, exarchy, or institute which has the right to enroll clerics in themselves.<sup>50</sup>

The common code gives detailed norms regarding priestly formation. The few norms contained in the Book of Decrees regarding the spiritual and intellectual formation of the clerics are seen to be well-correlated with the corresponding norms in the common code. The Book of Decrees demands that the seminarians should strive to achieve spiritual growth and fear of God, together with the wisdom and knowledge required for priestly functions, and the CCEO also stresses the spiritual, intellectual and pastoral formation of the candidates for priesthood.<sup>51</sup> The Book of Decrees insists that the seminarians should obtain proficiency in the liturgical celebrations in their own rite. The CCEO also includes this norm demanding that the seminarians should be formed in their own rite reprobating any contrary custom.<sup>52</sup> Both the Book of Decrees and the CCEO demand that exercises and tests should be conducted to prove the adequate formation of the candidate before ordination to priesthood.<sup>53</sup>

## **4.2. Evangelization and Christian Education**

The regulations in the Book of Decrees regarding evangelization and education seem to have been drawn more from the concrete circumstances in which the Malabar Church

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50 Mar Makil, Decrees, 4: 29. CCEO, cc. 357 ff deals with the ascription of the candidate through diaconal ordination, unless according to the norms of the particular law he was already ascribed. In c. 25, the Christian faithful are also exhorted of their responsibility to sustain the clerics. It is a right of the clerics to be sustained properly, says c. 390.

51 Mar Makil, Decrees, 4: 25-26; CCEO, cc. 345-346 speaks about the different aspects of formation and the various important areas to be stressed during the formation period.

52 Mar Makil. Decrees, 4:25; CCEO, c. 343.

53 Mar Makil, Decrees, 4: 28; CCEO. c. 353- The details of the test are to be determined by the particular law.

found itself in the beginning of this century. The common code leaves the details of evangelization and related matters to each *sui iuris* Church so that the general principles may be more effectively put into practice by each Church according to its own circumstances.

### 4.3. Conversion of Non-Christians

The *Book of Decrees* gives concrete suggestions for the conversion of non-Christians. Thus the Christians who have non-Christian servants are reminded of their grave obligation to do whatever is possible for the conversion and baptism of those servants.<sup>54</sup> The role of the lay faithful in the conversion of non-Christians is specially stressed in the *Book of Decrees*, and it also has its parallel in the common code.<sup>55</sup> *The Book of Decrees* warns Christians to be prudent in the work of evangelization, so that overzealous activities might not destroy communal harmony and thereby produce counter effects. Although the baptism of Hindu children is a praiseworthy act, it should not be done without the consent of the parents. The CCEO gives stronger regulations in this regard.<sup>56</sup>

Another aspect of evangelization that is given special attention in the *Book of Decrees* is the proper care of catechumens. Thus, it is said that the catechumens should be sufficiently

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54 Mar Makil, *Decrees*, 1: 13; CCEO, c. 14 says that all of the Christian faithful have the right and obligation to see that the divine message of salvation reaches all people.

55 Mar Makil, *Decrees*, 8, section 3: 1; CCEO, c. 406 shows that the lay people have unique opportunities for evangelization, and asks them to make use of those opportunities.

56 Mar Makil, *Decrees*, 8: section 3 : 1-2; One of the conditions set by c. 681 of the CCEO for the licit baptism of children is the consent of at least one of the parents, or the person who lawfully takes their place. Moreover, c. 586 severely forbids Christians to compel, to persuade in inappropriate ways or to allure someone to join the Church.

instructed in Christian principles, and that constant care should be given so that they may grow in the faith they have received. The CCEO also speaks about the importance and the special care due to the catechumens.<sup>57</sup> "The *Book of Decrees* demands that the catechumens should be given sufficient formation before they are admitted for baptism. The CCEO also demands that the catechumenate should not be a mere presentation of teachings and precepts, but a formation in the Christian life.<sup>58</sup> The financial assistance for the works of evangelization, for which the *Book of Decrees* gives special provisions, is also supported by the common code.<sup>59</sup>

#### 4.4. Religious Instruction

Imparting proper religious instruction is one of the most important methods of keeping Christians alive in their faith. Preaching the Word of God at least on Sundays and days of obligation, when almost all the faithful in the Malabar Church attend the liturgical functions, is suggested by the *Book of Decrees* as one of the best occasions for the Christian instruction of the faithful. It also suggests the important topics that are to be explained in the homily. In various canons, the common code also emphasizes the importance of the homily and suggests the important topics that are to be dealt with in the homily.<sup>60</sup>

57 Mar Makil, Decrees, 8, section 2; CCEO, c. 9 §1 says: *Speciali ratione cum Ecclesia connectuntur catechumeni , ... coniunguntur cum Ecclesia, quae eos iam ut suos fovet.* §2 says that the Church has prerogatives proper to Christians.

58 Mar Makil, Decrees. 8. section 2; 4; CCEO, c. 587 §1

59 Mar Makil, Decrees, 18:17; CCEO, c. 585 §4 asks the Christian faithful to sustain the works of evangelization generously with their own means.

60 Mar Makil, Decrees, 3: 4-5; CCEO, c. 607 says that the liturgical homily holds a place of pride among the various forms of Christian instruction. c. 614 §1 strongly recommends the homily as part of the liturgy itself; c. 616 mentions some of the important points that are to be dealt with in the homily.

According to the Book of Decrees another important means of imparting Christian education, especially to the children, is religious instruction. The Decrees remind the pastors as well as the parents of their grave obligation in imparting religious instruction to the children, not only by words, but also by their example in prayer and good conduct. The Book of Decrees further insists on Sunday catechism. The common code also says that the parents have the foremost obligation to form their children, by word and example, in faith and Christian living. According to the CCEO, the parish community also shares in this responsibility, for which the Vicar has to give special attention and care. It also demands supplementary means of instruction wherever there is deficiency in the religious instruction imparted in schools.<sup>61</sup>

Both the Decrees and the CCEO demand that schools should be established wherever necessary, and be well conducted. Parents have the primary responsibility for the education of their children.<sup>62</sup> According to the Decrees, priests should see that religious instruction is imparted in the schools. They should visit

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61 Mark Makil, Decrees, 1:5-6; 3:15; 5:9-10; CCEO, c. 618 says: "*Parentes primi obligatione tenentur verbo et exemplo filios in fide et vitae christianae praxi efformandi.*" The canon continues that those who take the place of parents, and godparents also, have the same obligation. Canon 619 deals with the obligation of the parish community in this process. Canon 624 §1 speaks of the responsibility of the parish priest in this regard: "*Parochus summam operam dare debet ... ad catechesim tradendam.*" Supplementing the insufficient religious instruction in schools by other means is recommended by canon 637.

62 Mar Makil, Decrees, 6:1, 5-6; According to canon 627, the responsibility for the education of children belongs primarily to their parents. When they themselves cannot provide it fully they can entrust it to others. Canon 628 adds that the Church has the duty to care for the catholic education of the baptized and that all those who are entrusted with the care of souls must help parents in educating their children. Hence, in canon 635, the CCEO exhorts the eparchial of the Christian faithful to have Christian education: c. 20. Bishops to see that adequate school facilities are provided.



the schools, and be vigilant over what is taught there, and care should be taken in the appointment of teachers. The common code also legislates along the same lines, asking the bishops as well as the Rev. Vicars to visit the schools, and see that the education imparted is in conformity with the Catholic teachings. The important role of the teachers in achieving the purpose of the Catholic schools is also stressed by the CCEO.<sup>63</sup>

The Decree states the categories of books generally forbidden, and the exemptions given for reading the forbidden books. In general terms, the common code also speaks about the categories of books that are prohibited. More precise norms are left to the particular law. Regarding the Sacred Scripture, the Book of Decrees says that only those translations of the Bible having approval of the competent authority can be used by Catholics. Although the common code seems to be more lenient and ecumenical in this regard, it also demands that editions of the Sacred Scripture should have at least permission from the ecclesiastical authorities.<sup>64</sup>

Dealing with the role of the printing press, the Book of Decrees shows that good publications can do much good for the preservation of faith and morals while other publications can at times be poisonous, mortally affecting the Catholic faith and morals. The CCEO also exhorts the Christian faithful to be mindful of this truth and act accordingly.<sup>65</sup>

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63 Mar Makil, Decrees, 1:8; 29:1-2, 6-7; According to c. 652 §2, the eparchial bishop can forbid the faithful to use or to pass on to others those means of communication which are detrimental to the integrity of faith and morals. Canon 665 §3 exhorts the Christian faithful not to use such books.

64 Mar Makil, Decrees, 29:3-4; CCEO, c. 655 demands that suitable and correct translations of the Bible should be prepared under the care of the eparchial bishops for the use of the faithful.

65 Mar Makil, Decrees 28:14-17. Canon 651 §2 exhorts the Christian faithful to imbue the use of mass media with the spirit of Christ. The Code also demands that without sufficient reason no member of the Christian faithful

Except for a general norm mentioned among the rights and obligations of the Christian faithful, the regulations regarding dangers to faith, especially the norms regarding contact with non-Christians and adopting their practices, seem to have no similar canons in the common code. Probably these regulations were found necessary in the context of the Malabar Church at the time of promulgation of the Book of Decrees. This seems to be verified from the existence of similar norms in the eparchial statutes promulgated even after the Second Vatican Council, in spite of the fact that the Council adopted a new attitude and different approach towards non-Christian religion.

The regulations regarding heresy and schism have only few corresponding canons in the common code. The Book of Decrees holds that outside the Church there is no salvation. The developed ecclesiology of the Vatican Council II enabled the new Code to express this in a different way. "However, the common code also warns against indifferentism that may arise from the lenient approach towards non Catholics, and non-Christians. The canons in the CCEO regarding *Communicatio in sacris* have also been influenced by the new thinking of the Council and hence the regulations in the Book of Decrees in these regards are much different from those in the common code. Since, the Orthodox Church in India even today demands that a Catholic who wants to marry an Orthodox should join that Church, the regulation in the Book of Decrees asking for the excommunication of those who conduct such marriages, is to be seen not as norms against canons of the Church on mixed marriages, rather as a measure against defection from the Catholic faith.<sup>66</sup>

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should write in periodicals or other publications which are accustomed to attack openly the Catholic religion or good morals: c. 660.

66 Mar Makil, Decrees, 1:17. CCEO, cc. 813-816 deals with the possibilities of mixed marriage. However, since the practice among the Orthodox does

The regulations in the Book of Decrees about schismatic schools and hostels appear to have some parallel canons in the common code, although the norms in the Decrees appear to be too severe compared to the norms in the CCEO. The common code empowers the eparchial bishop to decide whether a school answers to the requisites of Christian education or not, and he has the right to forbid the Christian faithful from attending a particular school. The directions given by the Book of Decrees regarding the special catechetical instruction for students who learn in Non-catholic Schools are similar to the directions given in the CCEO.<sup>67</sup> However, it may be noted that the prohibition in the Book of Decrees regarding staying in the hostels conducted by non-Catholics does not have a parallel in the common code.

## Conclusion

Mar Mathew Makil (27 March 1851 – 26 January 1914) was the second Vicar Apostolic and first indigenous Vicar Apostolic of the Vicariate of Kottayam (Changanacherry), which is the Syro-Malabar Archeparchy of Changanacherry today. Mar Mathew Makil was also the first Vicar Apostolic of the Vicariate of Kottayam, which is the Knanaya Catholic Archeparchy of Kottayam today. In 1896, he became the Vicar Apostolic of the Vicariate of Changanacherry, and in 1911, when a new Vicariate Apostolic of Kottayam was constituted exclusively for the Knanaya Catholics; Mathew Makil was transferred to Kottayam as its first Vicar Apostolic. He died at Kottayam on 26 January 1914 and he was declared as Servant of God on 26 January 2009.

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not allow for applying these provisions, what the Decrees says seems to be applicable according to c. 1436.

67 Mar Makil, Decrees, 5:14-17; CCEO, c. 633. c. 637 demands that supplementary Catholic formation should be given to all Catholic pupils who study in schools where, in the judgment of the eparchial 1439. Bishop, the Catholic education is insufficient. See also CCEO c.1439.

Mar Makil lived ahead of his time. He foresaw that the growth of the Syro Malabar Church could happen only through its own sons and daughters. His greatness is that he achieved it without causing pain or resentment to anyone astonishing to see that for the foreigners as well as for his adversaries, there was no other choice when the time for reckoning came. That shows his greatness, his acceptability, his sanctity and forbearance. He could embrace everyone regardless of their allegiance. He was a stalwart of his time, in every field, religious-social political and cultural spheres. Everyone was looking up to him for guidance. Without any exaggeration we can say that Mar Mathew Makil was a great sage. A life worthily spent for God and the people of God! He was a charismatic leader. He was well appreciated and esteemed by all people. It is amazing to see the ways in which he was guided by the Divine Providence. Mar Makil was a man who had immense trust in the providence of God. His life is a true example of total surrender to the Will of God which burned out in Merciful Love. He was a staunch believer and all his teachings were perfectly in agreement with the official teachings of the Catholic Church. As a shepherd he carried out all his duties and responsibilities to their perfection. He was a model priest, a caring pastor, a zealous missionary; and above all, a saintly figure. He really lived up to the Gospel. He was loved by God and men. He led a life of solid virtues. If Mar Makil could achieve so much for the Kingdom of God it was because he was a man of prayer. The sanctity of his life was the reason for the effectiveness of his prayer and blessings. He could stoically face opposition and afflictions as if they were lowered down to him as his chalice. He died true to his faith.

A major contribution of Mar Makil was his *Book of Decrees* published on 21 September 1903. That was the first code of Canons of the Syrian Christians since the separation from the Archdiocese of Verapoly in 1887. Until then, the only code of

canons was the Statutes of the Archbishop of Verapoly Msgr. Mellano that was published in 1879. So there was need of an organized code of law for the Syrians. The book specifies the laws concerning the spiritual and material governance of the vicariate in 38 chapters. The *Book of Decrees* was implemented for many years in the dioceses of Changanacherry, Kottayam and other Syrian eparchies until they made revised versions of their own based on this book the book became the basis for later development of canons for the Syro-Malabar Eparchies.

The *Book of Decrees* of Mar Makil shows his deep and unshakable faith, vision and mission, his spiritual outlook, ecclesial vision and theological conviction. Although the *Book of Decrees* deals only with the canonical aspects of the subjects, it sheds light into his theological outlook as well. The later developments in the field of Sacramentology, Theology of Priesthood, Eucharistic Theology etc... show that the thoughts of Mar Makil were the seeds of further developments in the theology of the Malabar Church.

The *Book of Decrees* was made in the historical context of their ritual separation from the Latin Church and the transition of power to autochthonous Bishops. This work is a testimony of the care and concern of a bishop and shepherd towards the sheep, in order to bring them up as a well-knit community according to the laws of the Church. A purview of the contents reveals the extreme care of Mar Makil regarding the faithful in the different areas of their spiritual and ecclesial growth. Besides, based on the Law of Thomas, the *Book of Decrees* "acted as a model and source for the eparchial statutes promulgated later in the Syro-Malabar Church". This code which remained normative also for the whole Syro-Malabar Church for several decades, has probably contributed much in the formulation of the Particular Law of the Syro-Malabar church.





# The Election of Bishops in the Tradition of the Syro-Malabar Church

Michael Vattappalam\*

## Introduction

The election of bishops in the tradition of the Syro-Malabar Church is a recent practice. That is a few years after the promulgation of the Eastern Code, *Codex Canonum Ecclesiarum Orientalium* (CCEO). At the same time, this Church has an ancient tradition. This apostolic Church has an awesome history of hierarchy. Before the erection of its hierarchy, the Malabar Church was governed by the bishops who were elected or appointed in the Chaldean Church or the Latin Church. In this article first, we examine the system of electing or appointing the bishops during the Chaldean and the Padroado or Propaganda periods. Then the article deals with the present practice of the election of bishops in the Syro-Malabar Major archiepiscopal Church based on the canons of CCEO.

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## The Syro-Malabar Church

The Syrian Catholic Church or Syro-Malabar Church was known in ancient times as the Indian Church of the Christians of St Thomas.<sup>1</sup> This Church followed the Chaldean or East Syrian liturgy. Therefore, it was Indo-Chaldean or Chaldeo-Indian or Chaldeo-Malabar. The title Syro-Malabar began to be used only after the middle of the nineteenth century.<sup>2</sup> Placid Podipara referred to *Giamil Samuel's work Genuinae Relationes Inter Sedem Apostolicam Et Assyriorum seu Chaldaeorum Ecclesiam*. It was published in Rome in 1902. The author reproduced a letter the Syro-Malabarians wrote on 19 March 1899 to Cardinal Salotti. In it, they say that because of their "Spiritual Superior" they have been called "Syro-Malabarites" by the Sacred Propaganda Congregation, while their name was Syro-Chaldeans.<sup>3</sup>

### The initial period

There was a tradition that the Apostle St. Thomas ordained rulers to guide the Christian community he founded. Some authors even mention the names of the first ordained people as Kepa and Paul.<sup>4</sup> Podipara quotes from "Canons of the Apostles" in *Collectio Canonum Synodicorum* of Ebedjesus Sobensis the following: "India and all its regions and those bordering it as far as the farthest sea, received the hand of the Apostles from Thomas who was the ruler and preceptor in the Church

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1 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, Prakasam Publications, Alleppey, 1976, p. 15

2 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 15

3 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 21, see, footnote 2

4 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 24, Alenchery Bernard Thoma, Marthoma Christianikal, (Malayalam), Pellissery Publications, Kottayam, 1992, pp.97-109



he founded and ministered to there”.<sup>5</sup> After this, for want of successors to bishops, the Church in Malabar had been greatly weakened. There was a deterioration in religious life. However, this was remedied by the rich merchant and zealous Catholic Knai Thomas. He invited one bishop and two priests from his homeland Babylonia.<sup>6</sup> Cardinal Tisserant mentions such an event in his book *Eastern Christianity in India*.<sup>7</sup>

## The Persian period

Cardinal Tisserant stated, “from the very early times, certainly before the end of the second century, Indian Christians came into close connection with Edessa, as can be surmised from the composition in this town, or in its environs, of the Acts of Thomas, and from that Aramaic or Syriac, Gospel found by Pantaenus in India. Indian Christianity was connected with the See of Seleucia-Ctesiphon only about A.D. 450, at a time when the Mesopotamian, also called Persians, Church was itself being strongly established and was a well-knit unit”.<sup>8</sup> Thus, it is an approved fact that the Church of India had hierarchical relations with the Persian Church and the Persian Church with the Chaldean Church. In proof of the relations in question, some adduce the case of Mar John who, they say, appears among the fathers of the council of Nicaea I (325), as the prelate of Persia and Greater India.<sup>9</sup> The bishops of India were related to the Metropolitans of Persia. At the time of the Chaldean Patriarch

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5 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 24

6 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 25, Kollaparambil Jacob, *Historical Sources on the Knanites*, Kottayam, 1986, p. iii

7 Tisserant Eugene, *Eastern Christianity in India*, Orient Longmans, Bombay-Calcutta-Madras, 1957, 9.

8 Tisserant Eugene, *Eastern Christianity in India*, p. 10

9 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 27

Isayahb II (628-646), priests, chiefly monks and bishops were sent to India. Chaldean Patriarch Isayahb Adiabenus (650-660) elevated the Indian Church to metropolitan status.<sup>10</sup> Patriarch Timothy I (780-723) took the Indian Church away from the Persian Church and placed it directly under him.

## Chaldean period

Podipara mentions Ibn-Attib's (ninth century) treatise, *The Law of Christians* which reproduced a letter that Patriarch Timothy I wrote to the Indian Christians.<sup>11</sup> In the letter, the Patriarch asked Indian Christians not to consult with the king but with the Patriarch regarding the election of the metropolitan. He was elected by the people in the presence of the suffragan bishops. Only after getting the approbation of the Patriarch, they were allowed to refer the matter to the king. Until the time of Timothy I, the bishops of China and India were ordaining the Metropolitan by placing the letter of the Patriarch on his head. Here, there is an indication that the Metropolitan of India and his suffragans were Indians. However, this 'Indian Hierarchy' existed not long after the time of Timothy I. The Chaldean Patriarch began to send the Metropolitan of India and his suffragans.

'The Metropolitan and the Gate of All India' was the title used for the Metropolitan of India. The first Latin Prelate of the Syro-Malabarians Dom Francis Roz, S. J. used the title of Metropolitan of India.<sup>12</sup> Podipara quotes the testimony of Dom Francis Roz, SJ: "According to the information gathered from several Chaldean books and well-known facts, the bishop of the Serra (Malabar) was always an archbishop, and is the oldest in the whole of India. Its archbishops and Prelates were always called

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10 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 31

11 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 32

12 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 33

Archbishop Metropolitan of All-India and its confines”.<sup>13</sup> From these testimonies, it is clear that the Metropolitan of All India was the Metropolitan of the Serra which name the Portuguese were calling Malabar. Malabar was the oldest archbishopric in the whole of India. According to Ebedjesus (Abdiso), Sobensis India was a Province of the Chaldean Church.<sup>14</sup> Vatican Syriac Codex XXII referred to ‘Holy See of the Apostle St. Thomas’ whose occupant in 1301 was Mar Jacob “Ruler of the Entire Holy Church of the Christians of India”. That Holy See of the Apostle Thomas was transferred from Mylapore to Cranganor and later to Angamale. Podipara presents a list of Metropolitans and bishops from the Chaldean Church.<sup>15</sup> Mar Thoma Cana (800), Mar John, Mar Dua, Mar Thomas (1129), Mar John (1122), Mar Jacob (1301), Mar John and Mar Thomas (1490) were some of them.

Mar Abraham (1569) was invited to take part in the provincial council of 1575 in Goa by the Portuguese but he did not go to the council. Instead, through the non-Christian King of Cochin, he sent his profession of faith to the pope informing the pope that he did not go to the council since he was twice imprisoned by the Portuguese and that he would attend the future councils of Goa if the pope assured him of safety.<sup>16</sup> In the absence of Mar Abraham, the council decreed: “For the good of the Christianity of the Apostle St. Thomas that is in the country of Malabar, it is convenient that the diocese is governed by a prelate presented by the king of Portugal, and not by the Chaldean Patriarch, for otherwise many abuses will be more easily infiltrated. Or at least the council asks His Holiness that the archbishop of Angamale

13 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 35

14 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 35

15 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, pp. 40-54

16 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 77.

be obliged to take part in the councils of this province since he has no suffragan and since he cannot easily go to Assyria owing to the great distance".<sup>17</sup>

Goan Council of 1585 in which Mar Abraham took part, decided that the bishops sent to Malabar by the Patriarch should present to the Goan authorities their credentials which were issued by the Patriarch or by the Pope as did Mar Abraham who was nominated by the Pope as Archbishop of Angamale. One should not forget that despite the papal credentials, Mar Abraham was detained in Goa. This council decreed that the Roman Missal, Roman Breviary and the Roman Pontifical were to be translated into Chaldean for the use of the Syro-Malabar Church. Father Francis Roz SJ was nominated as a helper to Mar Abraham to make the translations of liturgical books.<sup>18</sup>

Pope Clement VIII (1592-1605) wrote two letters to the Archbishop of Goa. The first letter dated 27 January 1595 authorised the Latin Archbishop of Goa to institute an informative process against Mar Abraham and those if who was suspected of heresy and send the result to Rome. If he was found guilty, a Latin was to be appointed as vicar Apostolic of Angamale. The letter asked the Archbishop of Goa not to permit any prelate to govern Malabar except the one who would be elected by the Holy See according to the decree of the council of Goa of 1585.<sup>19</sup>

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17 Beltrami Giuseppe, *La Chiesa Caldea nel secolo dell'unione*, PIO, Roma, 1933, 9. 97, footnote 23.

18 Beltrami Giuseppe, *La Chiesa Caldea nel secolo dell'unione*, p. 111

19 Beltrami Giuseppe, *La Chiesa Caldea nel secolo dell'unione*, pp. 248-250. George of Christ the Archdeacon of Mar Abraham was elected Bishop of Palayur and suffragan to Mar Abraham by Patriarchal Synod. Pope Gregory XIII (1572 – 1585) confirmed that election by letter of 04 March 1585. The same Pope sent a congratulatory letter to the Archdeacon George of Christ and later the Pope confirmed the faculty of Archdeacon to administer the diocese of Angamaly. Before being ordained Bishop, Archdeacon George died. Again, Mar Abraham nominated another

In the second letter dated 21 January 1597 Pope authorised the Archbishop of Goa to appoint for the Church of Angamale any fit person as Vicar Apostolic, if Mar Abraham happened to die, lest while the canonical provision would be made for the Church, that Church should suffer any harm.<sup>20</sup> Mar Abraham died in 1597. He was the last Chaldean Prelate of the Syro-Malabarians. Pope Clement VIII in his letter of 4 August 1600 stated that the Church of Angamale was vacant by the death of Mar Abraham of good memory *quondam* archbishop of Angamale, who died *extra Romanam Curiam*. These words revealed the Catholicity of Mar Abraham.<sup>21</sup>

## The Latin Period

According to the acts of the synod of Diamper, the Chaldean Patriarch was condemned as a heretic and the assembled promised not to accept any Prelate except the one nominated by the Pope. At the end of the sixteenth century, Portuguese Latin jurisdiction was imposed upon the Syro-Malabar Church. Its first Latin Prelate was Dom Francis Roz SJ nominated as such on 5 November 1599, as successor to Mar Abraham. On 20 December 1599, Pope Clement VIII reduced the See of Angamale to the status of a simple diocese and also made it suffragan to the Portuguese-Latin archbishop of Goa. In a letter 4 August 1600 Pope Clement VIII wrote: “Since therefore, we have recently, with the counsel of Our Brothers, through our another letter, perpetually suppressed and extinguished in the

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Archdeacon George of the Cross as his successor and asked for papal approbation. This is an evidence for a direct intervention of Rome in the Church of Saint Thomas Christians in the 16th century. Cf. Beltrami Giuseppe, *La Chiesa Caldea nel Secolo dell'unione*, PIOS, Roma 1933, 196 – 197.

20 Beltrami Giuseppe, *La Chiesa Caldea nel secolo dell'unione*, pp. 252-253

21 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 82

Church of Angamale...the name title of Archbishop as well as the seat, dignity, superiority and pre-eminence of a metropolitan Church and all the metropolitan rights and have reduced that Church to the simple status of a Cathedral Church of the future bishop, suffragan to the archbishop of Goa of the time being, and have subjected it to the metropolitan right of the Church of Goa as is fully contained in the above-mentioned letter...’’<sup>22</sup>

Thus, the right of Patronage (Padroado) of the Portuguese Crown was extended over Angamale by the Pope. In 1609 the title and residence of Angamale were transferred to Cranganor. The Latin Prelates in the See of Cranganor were: Dom Francis Roz SJ (1599-1624), Dom Stephan Brito SJ (1624-1641), and Dom Francis Gracia SJ (1641-1657). There were also many Syro-Malabarians under the bishop of Cochin. Both of these dioceses were of the Padroado jurisdiction. To settle the problems in the Malabar Church, Pope sent two commissaries. One of them was Fr. Joseph Maria Sebastiani. He was a Discalced Carmelite (OCD). After he visited Malabar, he returned to Rome to submit his report. Then he was ordained titular bishop and was sent to Malabar as the Apostolic Administrator of Cranganor. He was under the jurisdiction of the Propaganda Congregation. Thus, Malabar Church was under double jurisdiction: that of Padroado and that of Propaganda. When the Dutch captured Cochin in 1662, they forced all non-Dutch Europeans to leave Malabar. Msgr. Joseph Maria Sebastiani OCD ordained his successor Parampil Mar Alexander (de Campo), a Syro-Malabarian as titular bishop and Commissary or Vicar Apostolic of the Province of Serra or Malabar of St. Thomas. Due to the opposition of the Dutch, the Portuguese Padroado Prelates of Cranganor and Cochin could not freely exercise their jurisdiction over their subjects. In that situation, Propaganda Congregation nominated Angel Francis

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22 Beltrami Giuseppe, *La Chiesa Caldea nel secolo dell'unione*, p. 133

OCD as Vicar Apostolic of Malabar in 1700. Owing to the tension between Propaganda Congregation and Padroado Prelates, Angel Francis OCD wasn't conferred episcopal ordination. At that time there arrived in India a Chaldean Prelate Mar Simon Ada and he conferred episcopal ordination to Angel Francis OCD at Alangat. Later he was forced to move to Pondicherry outside Malabar, where he was found dead in a well. The Portuguese government nominated Dom John Ribeiro SJ as the archbishop of Cranganor in 1701. Some years later in 1709, the Propaganda Congregation gave Msgr. Angel Francis OCD again the jurisdiction of Cranganor and Cochin. "There were continuous quarrels between the Jesuits and the Carmelites, between the Padroado and the Propaganda, just as there were between the Jesuits and Dominicans, between the Jesuits and Franciscans. The Syro-Malabarians were sometimes victims while at other times they tried to please the one or the other".<sup>23</sup>

In 1782 Cariattil Joseph a Syro-Malabar priest was ordained archbishop of Cranganor while he was in Lisbon. It is strange to know that his rite was changed into Latin.<sup>24</sup> Unfortunately on his way back to Malabar, Mar Cariattil Joseph died in Goa in 1786. The Syro-Malabarians believe that he was poisoned. A document known as Angamale Padyola of 1787 says that his death was caused by deceit.<sup>25</sup> Then his companion Paremmakkal Thomman was nominated Administrator of Cranganor and all the Syro-Malabarians came under him. At that time all the Syro-Malabarians were under the Padroado. There was none under the Propaganda Congregation except the Latins.

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23 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 154 footnote 7

24 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, 150

25 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 150

The Holy See suppressed the Padroado Sees of Cranganor and Cochin in 1838 due to political troubles in Portugal. The Syro-Malabarians were entrusted to the care of the Propaganda Vicar Apostolic of Malabar. Since the Vicariate Apostolic of Malabar became very vast, in 1845 it was divided into the vicariates Apostolic of Quilon, Verapoly, and Mangalore. All the Syro-Malabarians were under the Vicariate Apostolic of Verapoly.

### **Request for a bishop from Syro-Malabar Church**

In the background of Mar Thomas Roccas troubles in Malabar Church, Msgr. Bernardine Bacinelli OCD, the Vicar Apostolic of Malabar nominated a Vicar General for the Syro-Malabarians in the person of Chavara Kuriakose of St. Elias. He was then the Superior of the CMI Congregation. As always before, the Syro-Malabarians were desiring to have a bishop of their rite. On 15 July 1869, the priests and laymen from Syro-Malabar Church wrote to the Pope expressing their desire. “it is not out of malice that we try to keep our rite and to get a head for the same”.<sup>26</sup>

The Vicariate Apostolic of Verapoly became a metropolitan archdiocese with Msgr. Leonard Mellano OCD as its first residential archbishop-metropolitan and Quilon as its suffragan See. In 1887 the Syro-Malabarians and the Latins of the archdiocese of Verapoly were ritually separated. Two vicariates of Trichur and Kottayam were constituted for the Syro-Malabarians. The Vicars Apostolic were two Latin non-Carmelites. They were Msgr. Adolph Medlycott for Trichur and Msgr. Charles Lavigne SJ for Kottayam. The Vicar General of Msgr. Medlycott was Mampally George. The Vicariate of Kottayam had two Vicars Generals. Nidhiry Emmanuel for the Northists and Makil Matthew

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26 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 170.



for the Southists.<sup>27</sup> Later with the permission of the holy See Msgr. Lavigne SJ transferred his residence from Kottayam to Changanacherry.

## The Syro-Malabar Period

The Vicariates Apostolic of Trichur and Kottayam were reorganised in 1896 into Vicariates Apostolic of Trichur, Ernakulam and Changanacherry. Menacherry Mar John, Pareparampil Mar Aloysius and Makil Mar Matthew were the Vicars Apostolic respectively. In 1911 Kottayam Vicariate was erected for the Southists and Mar Makil was transferred to Kottayam. Mar Thomas Kurialacherry became the Vicar Apostolic of Changanacherry. In 1917 when the Sacred Congregation for the Oriental Church was created, the Syro-Malabarians came under its jurisdiction. In 1923 the Syro-Malabar Hierarchy was erected by Pope Pius XI with the Apostolic Constitution *Romani Pontifices*.<sup>28</sup> During this period the bishops of the Syro-Malabar Church were appointed by the Roman Pontiff. In its form and constitution, it was Latin. The Syro-Malabar Hierarchy had nothing of the oriental character. For long time it had no common head. There were two metropolitans of equal status. In that situation a synod of hierarchs could not be held.<sup>29</sup> It was only after the promulgation of the Easter Code in 1990, the Syro-Malabar Church was raised to the status of Major Archiepiscopal Church. On 16 December 1992, Pope John Paul II with his Apostolic Constitution *Quae maiori*, constituted the major archiepiscopate of Ernakulam-Angamaly.<sup>30</sup> At the same time, the Roman Pontiff

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27 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 175

28 Pallath Paul, *Important Roman Documents Concerning the Catholic Church in India*, OIRSI, Kottayam, 2004, pp. 206-219

29 Podipara Placid J., *The Hierarchy of the Syro-Malabar Church*, p. 194

30 *Synodal News: Bulletin of the Syro-Malabar Major Archiepiscopal Church*, No. 1, 1993, p. 12

reserved to himself all that concerns episcopal elections and the liturgical order.<sup>31</sup>

The Holy Father revoked the reservation regarding the liturgical matters on 9 January 1998. After having heard the Congregation for the Eastern Churches, the Holy Father revoked the reservation to elect bishops.<sup>32</sup> The decree of the Congregation for the Eastern Churches dated on 3 January 2004 stated: “In the audience granted on 23 December 2003 to the Cardinal Prefect of the Congregation for the Eastern Churches His Holiness Pope John Paul II revoked the reservation to the Holy Father of the faculty to appoint bishops in the Syro-Malabar Church restoring the said faculty to the synod of the same Church according to the norm of the Code of Canons of the Eastern Churches”. Thereafter, the bishops were elected and appointed according to the canons of the *Code of Canons of the Eastern Churches*.

## **The Procedure for the Election of Bishops**

### The Competent Body

Canon 110 §3 confirms that the synod of bishops of the patriarchal Church conducts the election of the patriarch, of bishops and of candidates for offices mentioned in can. 149. Thus, the Synod of Bishops is an electoral college. Canon 149 is about three episcopal candidates for the eparchies constituted outside the proper territory of Patriarchal or Major Archiepiscopal Churches. This canon states, “To fill the office of eparchial bishop, coadjutor bishop or auxiliary bishop outside the territorial boundaries of the patriarchal Church, the synod of bishops of the patriarchal Church elects, according to the

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31 *Synodal News*: Bulletin of the Syro-Malabar Major Archiepiscopal Church, No. 1, 1993, pp. 8-9

32 *Synodal News*: Bulletin of the Syro-Malabar Major Archiepiscopal Church, Vol. 11, No. 1, 2003, p. 50

norms of the canons on the election of bishops, at least three candidates and proposes them through the patriarch to the Roman Pontiff for appointment. Secrecy is to be observed, even toward the candidates, by all who in any way know the results of the election.” According to can. 181§1, within the territorial boundaries of the patriarchal Church, bishops are designated to a vacant eparchial see or to discharge another function by canonical election in accord with the norms of cann. 947-957, unless otherwise provided by common law. The same procedure is applicable also for the Major Archiepiscopal Churches (can. 152). Moreover, the Syro-Malabar Major Archiepiscopal Church has its own particular law regarding the election of bishops which is the same as CCEO canons.<sup>33</sup>

### *Qualifications of the Candidates*

The Eastern Code lists certain qualities that are required for the candidate for the episcopacy. They are listed in can. 180. In order for a person to be considered suitable for the episcopate, he must:

1. be outstanding in solid faith, good morals, piety, zeal for souls and prudence;
2. have a good reputation;
3. not be bound by a marriage bond;
4. be at least thirty-five years old;
5. be constituted in the order of presbyter for at least five years;
6. hold a doctorate or licentiate or at least have expertise in some sacred science.

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33 “Statutes of the Synod of Bishops” in *Code of Particular Law of the Syro-Malabar Church*, Article 11

“The first refers to certain moral qualities required in the candidate, and second concerns the attitude of others in his regard, that is, whether he enjoys the esteem of others. In both cases, then, it is a question of moral qualities. The other requirements are objective in the sense they can be documented: absence of conjugal bond, age (at least 35 years), seniority of presbytery (at least five years), and learning (doctorate or licentiate in a sacred science); but in the absence these academic titles it suffices that he be an expert in the matter”.<sup>34</sup> This canon does not state that if one of these qualities is lacking the election of that candidate would be invalid. However, the responsibility to judge the suitability belongs to the Apostolic See.<sup>35</sup> According to the former legislation *Cleri Sanctitati*, the bishops were freely appointed by the Roman Pontiff or if elected, confirmed by him (CS can. 392 § 2).

### *The Right to propose candidates*

Only the members of the synod of bishops can propose the candidates suitable for the episcopate. They are to collect the information and documents that are necessary to demonstrate the suitability of the candidates. For this they can seek secretly the help of some priests and laypeople outstanding in prudence and Christian life (can. 182 §1). Then the bishops report their findings to the Major Archbishop. Major Archbishop forwards the report to all the members of the synod adding his own information if there is any (can. 182 §1). It is the synod of bishops of the Major Archiepiscopal Church who examine the suitability of the candidates and make a list of candidates by secret ballot. Then this list is sent to the Apostolic See to obtain the assent of the

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34 Brogi M., “Eparchies and Bishops”, in Nedungatt G., ed., *A Guide to the Eastern Code*, (PIO, Roma, 2002) 229.

35 Salachas D., *Istituzioni di diritto canonico delle Chiese cattoliche orientali*, Edizioni Dehoniana, Roma, Bologna, 1993, 224.

Roman Pontiff. Here the Apostolic See is the Dicastery for the Eastern Churches. This canon is silent about the number of the candidates whereas, in the case of outside the proper territory the number is fixed as at least three (can. 149). Each candidate should get the assent of the Roman Pontiff.

### *The Assent of the Roman Pontiff*

Assent doesn't mean consent of the Roman Pontiff but only an adhesion or agreement.<sup>36</sup> Assent and consent seem etymologically synonymous. Legally, however, the assent means a *nihil obstat*, expresses its own adhesion, while the consent would imply a formal act of will to express an agreement.<sup>37</sup> Regarding the assent of the Roman Pontiff Marco Brogi comments: "The Catholic communion of a bishop elected by his own synod is confirmed by the assent given by the Roman Pontiff to his election, which is to be requested as per norm of the canons. This consent may be given before the election, if the names of one or more candidates have already been submitted to the Roman Pontiff and accepted by him, or else afterwards, if assent is requested for a bishop already elected."<sup>38</sup> However, in effect the assent is like consent because cann. 184 §1 and 185 §1 mention that the assent is necessary without which the result of election cannot be announced even to the one elected. Salachas is of opinion that assent has the same meaning as consenting, giving one's consent, one's adhesion to the list drawn up by the Synod, so that if the Pope does not give his adhesion to one or

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36 Broggi M., "Elezioni dei vescovi orientali cattolici", in Gutierrez A., ed., *Il Processo di designazione dei Vescovi storia, legislazione, prassi, Atti del X Symposium Canonistico – Romanistico 24-28 Aprile 1995*, Rome, Libreria Editrice Lateranese, Libreria Editrice Vaticana, p. 606

37 Sabbarese L., "Le eparchie e i Vescovi", in Pinto Pio Vito, ed., *Commento al Codice dei Canonici delle Chiese Orientali*, Libreria Editrice Vaticana, Città del Vaticano, 2001, p. 170

38 Brogi M., "Eparchies and Bishops", p. 230

other candidate included in the list, this name must be excluded before proceeding to the canonical election in the synod.<sup>39</sup> Once the assent of the Roman pontiff has been given for the individual candidates, it is valid until it is explicitly revoked. In this case his is to be removed from the list (can. 182 §4).

Although the Major Archbishop submits the list with necessary information, the Roman pontiff himself, with the assistance of the Dicastery for the Eastern Churches, examines the individual candidates concerning their suitability.<sup>40</sup> Then the Dicastery refers to the Nuncio of India, who after further examination of the documentation, reports back to the Dicastery. The Dicastery for the Eastern Churches then consults with other dicasteries for any further and relevant information.<sup>41</sup> Before submitting the final report to the Roman Pontiff, the *nihil obstat* of the Dicastery for the Doctrine of Faith is required for each candidate.<sup>42</sup> The Roman Pontiff after taking everything into consideration gives his assent, which is sent either through the Secretary of the State or directly to the Prefect of the Dicastery for the Eastern Churches who then conveys it to the Major Archbishop.

### *The Election of Bishops*

If two-thirds of the bishops obliged to attend the synod of bishops of the Major Archiepiscopal Church are present in the designated place, the synod is to be declared canonical and the election can proceed. If anyone is prevented by legitimate impediment he is not counted among the total number (can. 183

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39 Salachas D., *Istituzioni di diritto canonico delle Chiese cattoliche orientali*, pp. 223-224

40 Broggi M., “Elezioni dei vescovi orientali cattolici”, p. 607

41 Broggi M., “Elezioni dei vescovi orientali cattolici”, p. 607

42 Khoury J., “La scelta dei vescovi nel codice dei canoni delle Chiese Orientali”, *Apollinaris* 65 (1992) 85

§1). The bishops are freely to elect the one whom before all others they consider before the Lord to be worthy and suitable (can. 183 §2). For an election an absolute majority of the votes of those present is required; after three inconclusive ballotings, in the fourth balloting votes are cast only between those two candidates who received the greater number of votes in the third balloting (can. 183 §3). If in the third or fourth balloting, because of a tie vote, it is not clear who the candidate is for the new balloting or who has been elected, the tie is resolved in favour of the one who is senior according to presbyteral ordination. If no one precedes the others by presbyteral ordination, the one who is senior by age (can. 183 §4).

#### *Election of the Candidates with the Assent of the Roman Pontiff*

If the one elected is on the list of candidates to which the Roman Pontiff has already given assent, he is to be intimated secretly of his election by the Major Archbishop (Statutes Art. 11. 5; can. 184 §1). If the one elected accepts the election, the Major Archbishop is to inform immediately the Apostolic See of the acceptance of the election and the day of proclamation (Statutes Art. 11. 5 §2; can. 184 §1). In the case of the election of the Major Archbishop there are two useful days to inform whether he accepts the election (Statutes Art. 6.2.11 §1). In the election of the bishops, the days available to reply is given in the common law. He has to inform within eight useful days. Otherwise, the election has no effect (can. 957 §2).

#### *Election of a Candidate without the Assent of the Roman Pontiff*

This can occur due to a special situation of the time or other many possible reasons the bishops prefer to elect another one who is not included in the list of candidates.<sup>43</sup> The canon says: If the one elected is not on the list of candidates, in order to

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43 Broggi M., “Elezioni dei vescovi orientali cattolici”, p. 610

obtain the assent of the Roman Pontiff, the Major Archbishop is to inform immediately the Apostolic See that the election took place. Secrecy, even toward the one elected, is to be observed by all who in any way know the results of the election, until notification of the assent reaches the Major Archbishop (can. 185 §1). When the assent of the Roman Pontiff has been obtained, the Major Archbishop is to intimate the election secretly to the one elected. Then he has to reply whether he accepts the election. If he accepts it, the Major Archbishop is to inform immediately the Apostolic See of the acceptance and the day of proclamation (Statutes Art. 11.6; can. 185 §2). The news is published simultaneously in Rome by the proper means of communications, namely radio and *L'Osservatore Romano* and in the Centre of the Syro-Malabar Major Archiepiscopal Church, that is, at Mount St. Thomas.

### **Vote by Letter**

An exception for the election of bishops is given in can. 186. If the synod of bishops of the Major archiepiscopal Church cannot be convoked, the Major Archbishop has to consult the Apostolic See before requesting the bishops to vote by letter. In this case, the Major Archbishop must employ the service of two bishops as scrutineers for the validity of the acts. They are to be designated with the consent of the permanent synod (Statutes Art. 11.7; can 186 §1). The scrutineers, observing secrecy, open the letters of the bishops, count the votes and along with the patriarch sign a written report about the conduct of the balloting (can. 186§ 2). If in this single balloting one of the candidates obtains an absolute majority of the votes of the members of the synod, he is to be held elected; and the Major Archbishop is to proceed in accord with the norms of cann. 184 and 185. Otherwise, the Major Archbishop is to defer the matter to the Apostolic See (can. 186 §3).



## **Bishops for Outside territory**

In order to fill the office of eparchial bishop, coadjutor or auxiliary bishop outside the territorial boundaries of the Syro-Malabar Major Archiepiscopal Church, the synod of bishops observing the norms on the election of bishops, is to elect at least three candidates and through Major Archbishop propose them to the Roman Pontiff for appointment (Statutes Art. 11.8; can. 149). In this case, secrecy is to be observed by all who in any way know the results of the election, even toward the candidates. The Major Archbishop has the faculty by the law itself to ordain and enthrone metropolitans and other bishops thus appointed by the Roman Pontiff (can. 86 §2).

## **Canonical Provision**

For promoting anyone to the episcopate, a canonical provision is necessary with which he is constituted the eparchial bishop of a particular eparchy or a particular function in the Church is committed to him (can. 187 §1). Canonical provision is the conferral of an office by a competent authority as per norms of law. Without canonical provision, an office cannot be acquired validly (can. 938).<sup>44</sup>

## **Profession of Faith**

Before episcopal ordination the candidate is to make the profession of faith and promise of obedience to the Roman Pontiff and, in Patriarchal/Major archiepiscopal Churches, also a promise of obedience to the patriarch/major archbishop in those matters in which he is subject to the patriarch/major archbishop in accord with the norm of law.

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44 Motiuk D., “Bishops”, in Faris John D., Abbass Jobe eds., *A Practical Commentary to the Code of Canons of the Eastern Churches*, Vol. I, Wilson & Lafleur, Montréal, 2019, p. 439

## **Prescribed Time for Episcopal Ordination and Canonical Possession**

A person who is to be promoted to the episcopate must receive episcopal ordination within three months from the day of proclamation in the case of election or from the reception of the apostolic letter in the case of an appointment (can. 188 §1). The eparchial bishop must take canonical possession of the eparchy within four months from the day of episcopal election or appointment can. 188 § 2).

## **Enthronement**

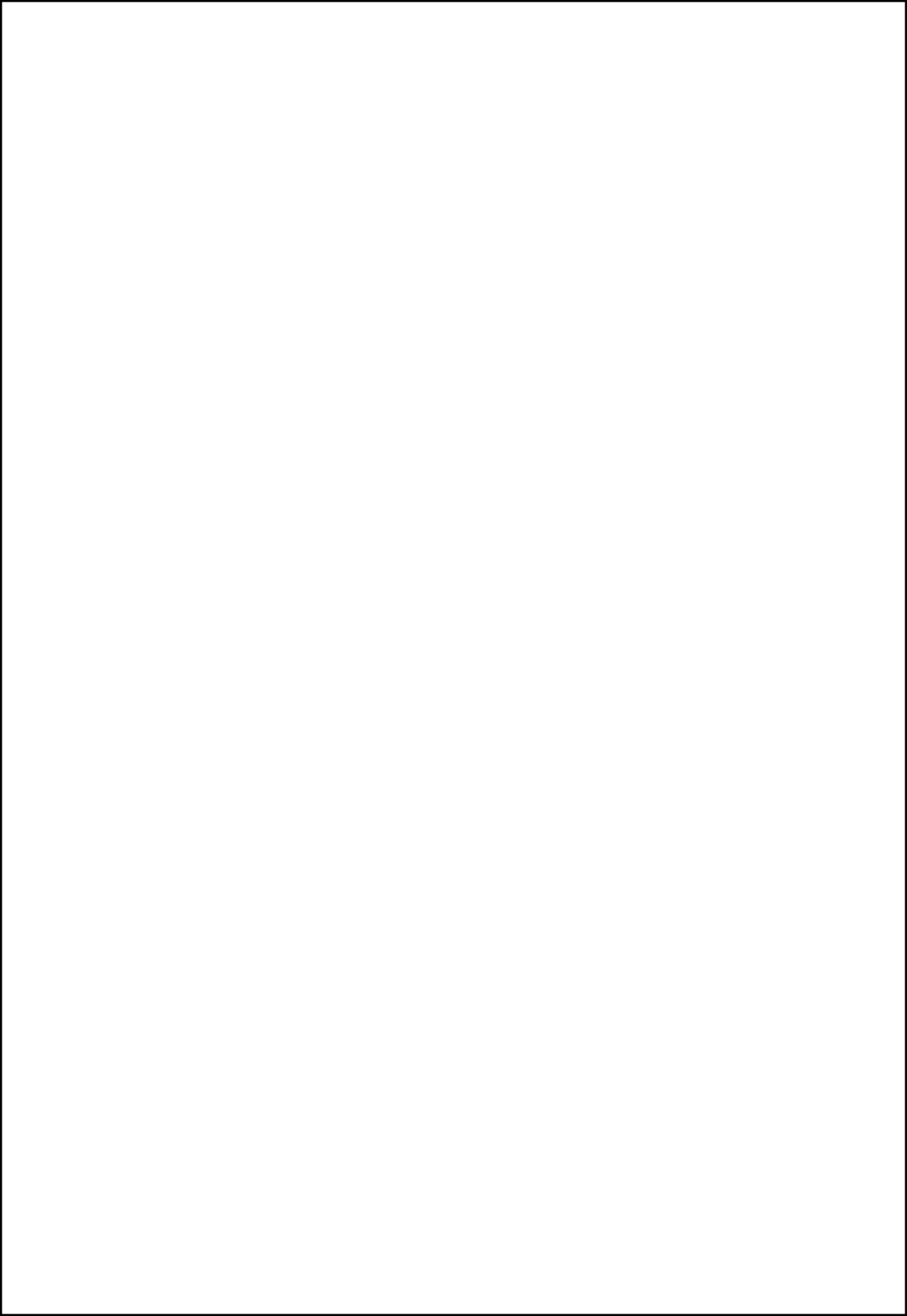
The eparchial bishop takes canonical possession of the eparchy by the legitimately conducted enthronement itself, during which the apostolic or patriarchal letter of canonical provision is publicly read (can. 189 §1). A document is to be drawn up about the conduct of the enthronement; it is to be signed by the eparchial bishop along with the chancellor of the curia and at least two witnesses and is to be kept in the archives of the eparchial curia (can. 189 § 2). Before the enthronement the bishop may not involve himself in the governance of the eparchy in virtue of any title, either personally or through others. If he had some office in the eparchy, he can retain and exercise it (can. 189 §3).

## **Conclusion**

Though the Syro-Malabar Church has a long history and tradition, the election of bishops by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church is of recent origin. This Apostolic Church received its bishops from the Chaldean Church up to the sixteenth century. Then preventing the Chaldean bishops, the Latin bishops from Europe governed the Church in Malabar for three centuries. Only in 1923 a Syro-

Malabar Hierarchy was established but it had nothing of the oriental about it. In its form and constitution, it was Latin. There was no ritual head in the oriental sense and so there cannot be had a synod of all the Hierarchs. Such synods were of extreme importance in the Eastern Churches. At present it is the second biggest Eastern Catholic Church in the world. When the Eastern Code was promulgated, the Syro-Malabar Church wasn't fit to any of the structure given in the code. It was only in 1992 this Church was raised to the status of Major Archiepiscopal Church. Then too the election and appointment of bishops and the liturgical matters were reserved to the Apostolic See. In the strict sense the Syro-Malabar Church has a tradition of election of bishops only from 2004. Then onwards this Church elects its bishops according to the canons of CCEO.

It is clear from the procedure that the power of the synod of bishops of Major Archiepiscopal Church is not absolute. Of course, the Synod of bishops can elect a candidate from the list of candidates who had secured the assent of the Roman Pontiff. The name of each candidate should be examined and should be given non objection from the Holy See. Then only the Pope gives his assent. This assent can be seen as a sign of ecclesiastical communion with the supreme authority of the Church. If it happened that the synod of bishops of the Major Archiepiscopal Church elected a candidate outside the list of candidates, they have to keep the result in secret even to the one elected and first get the assent of the Roman Pontiff. Therefore, the synod of bishops cannot elect a candidate unknown to the Roman Pontiff.





# The Hierarchical Relation of Major Archbishop and Procurator at the Apostolic See

Biju Muttathukunnel\*

## Introduction

The new Code of Canons of the Oriental Churches (CCEO) promulgated by Pope John Paul II with the Apostolic Constitution *Sacri Canones* envisages four types of hierarchical structures of *sui iuris* Eastern Churches that are in full communion with the Apostolic See of Rome. These four types of hierarchical structures are: 1) Patriarchal *sui iuris* Churches (cc. 55-150); 2) Major Archiepiscopal *sui iuris* Churches (cc. 151-154); 3) Metropolitan *sui iuris* Churches (cc. 155-173); and 4) other *sui iuris* Churches (174-176). The hierarchical structures in the Catholic Church foster unity and communion among the churches and they sustain the identity of the churches. Understanding the church as a communion also means that the church is not a single unit under the pastoral leadership of the Pope, but rather, it is the unity of different individual Churches

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of various traditions with their own administrative systems. The Church is a communion of local Churches, or dioceses, each of which is the Body of Christ in its own particular place (L.G n. 26). The Second Vatican Council decree *Orientalium Ecclesiarum* reads as follows: “The Holy Catholic Church which is the mystical body of Christ is made up of faithful who are organically united in the Holy Spirit by the same faith, the same sacraments and the same government. They combine into different groups, which are held together by their hierarchy and so form particular Churches or rites” (OE 2).

The hierarchical relations of the Patriarch or the Major Archbishop with the Pope are the basic elements that constitute the full communion of a church within the Catholic Church. Hierarchical communion means the bond of unity existing within the church as a hierarchy constituted with the Pope as the visible principle and foundation of unity of the bishops and the faithful. In this article we try to see how the figure of procurator (CCEO c. 61) helps the Patriarch or the Major Archbishop to exercise hierarchical communion with the Pope.

## **1. Patriarchal *sui iuris* Churches and Patriarchs**

The term Patriarchal Church in CCEO indicates an Eastern *sui iuris* Church with Patriarch as its head. The term Patriarchal Church implies a community, territory, Patriarch and *sui iuris* nature.<sup>1</sup> In the Eastern Code the Patriarch holds an office of great significance and is endowed with wide-ranging powers. Canon 56 of the CCEO defines the Patriarch as the head of a *sui iuris* Church and has power over all Bishops, Metropolitans and other Church faithful. As a bishop, the Patriarch governs his eparchy by virtue of his Episcopal consecration with proper, ordinary and immediate power. Though this canon grants ample powers to

1 Francis Eluvathingal, *Patriarchal and Major Archiepiscopal Curia in the Eastern Catholic Legislations based on CCEO Canons 114-125*, 15.

Patriarchs, these powers can be exercised only according to the norm of law approved by the Supreme Authority of the Church that is, the Roman Pontiff or an Ecumenical Council.<sup>2</sup>

The Canons concerning “The Patriarchal Churches” (CCEO cc.55-150) are formulated revising CS canons 216-361 and taking into account the various canonical and theological developments from the ancient Ecumenical Councils to the contemporary times.<sup>3</sup> The juridical figure of the Patriarch is established “*ad normam iuris a suprema ecclesiae auctoritate approbati*” (c. 56).<sup>4</sup> The mind of the Second Vatican Council also expresses its vision in safeguarding the primacy of the Roman Pontiff, which is formulated in OE 7-11, LG 18-29; this vision also reflects in the formulation of the Canons.<sup>5</sup> The position of the Patriarchs among the hierarchs of the universal Church is set forth by providing norms of precedence. The Patriarchs of the Eastern Churches precede all Bishops of any degree everywhere in the world, with due regard for norms of precedence established by the Roman Pontiff (c.58). The Patriarchal *sui iuris* Churches are the highest form of organization of self - governance. CCEO c. 61, which speaks about the office of the Procurator is also seen as an expression of the power and the privilege of the Patriarchs.

## 2. The Concept of Procurator in the History

Even though the term ‘Procurator’ is used for the first time in the CCEO, the concept of Procurator is not alien to the

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2 Jose Chiramel - Kuriakose Bharanikulangara, eds., “Hierarchical Structuring in the Oriental Legislation”, in *The Code of Canons of the Eastern Churches, a Study and Interpretation*, Alwaye, 1992, 93.

3 Antony Valiyavilayil, “Notion of *Sui iuris* Churches,” in Jose Chiramel – Kuriakose Bharanikulangara, eds., *The Code of Canons of the Eastern Churches, a Study and Interpretation*, 71.

4 *Nuntia* 2 (1976), 31.

5 *Nuntia* 2 (1976), 31- 34.

Oriental canonical tradition. The procurator's office, role, duties, etc., were made clear with the promulgation of the CCEO. This canon has taken different shapes and has been the subject of many discussions. Let us see the development of this concept also in history. From the first millennium we see this office but with some different implications and functions. During the first millennium, the Roman Pontiffs, used to appoint an apocrisiary<sup>6</sup>- a permanent representative – at the imperial court of Constantinople and other princely courts, and the Curia of the Patriarch of Constantinople, and received their feedback.<sup>7</sup> They are also known as *responsales*.<sup>8</sup> In the first millennium of Christianity *apocrisaries* were the envoys of some ecclesiastical authority to some other Hierarchy or the civil government. Various Eastern Patriarchs had their *apocrisaries* at the imperial court in Constantinople, and some Metropolitans also kept such envoys at the seat of their Patriarchs.<sup>9</sup>

Later, in the orient, the office of the apocrisiary was a particular office given by the Patriarchs to residing ecclesiastical persons in Constantinople, who represented him. In the capital of the Oriental Roman Empire, i.e., in Constantinople, there were not only the *apocrisaries* of different Patriarchs but also the Pontifical *apocrisaries*. The office of *apocrisaries* existed at that time only in the Constantinopolitan world and later it was adapted to the universal context of the Church. In fact,

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6 The Latin word *apocrisarius* comes from the Greek word *apocrisaris* which in its substantive form means the response. The word *apocrisarius* means also “ambassador”.

7 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome” in Francis Eluvathingal, ed., *Syro-Malabar Church Since the Eastern Code*, Rome, 2002, 257.

8 Victor J. Pospishil, *Eastern Catholic Church Law Commentary, OIRSI, Kottayam*, 1994, 112.

9 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 257.



the apocrisiary was equally an imperial office in charge of the mission and the bearer of official response.<sup>10</sup> In the Occident, the apocrisiary exercised his role at the catholic court of the office of the Nuncio; he was a deacon who sometimes assumed the character of the delegate. They notified the Emperor of the orders of the Supreme hierarchy, and were to transmit the responses.<sup>11</sup> During the Pontificate of S. Leone (440), we see the origins of this office. The Latins called those who were accorded this office *responsales* and this office was committed to persons like St. Gregory<sup>12</sup> the great and others, who were raised to the dignity of the Supreme Pontificate. The apocrisiary came after the bishop in the hierarchy and when they were functioning as delegates, they preceded even the Patriarchs.<sup>13</sup> From two types of the source we understand that the apocrisiary was strongly connected to the Constantinopolitan world.

### 3. Figure of Procurator in *Cleri sanctitati*

The canon 61 has had, like the other canons of the CCEO, an evolution within the process of the formulation of canon law for the Eastern Churches. The starting point was canon 220 of the Motu Proprio *Cleri sanctitati*. The wording of the Canon 61 of CCEO is not the same as in the canons of *Cleri sanctitati*.<sup>14</sup> The

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10 Danilo Ceccarelli Morolli, “La figura del Procuratore Patriarchae Apud S. Sedem”, *Apollinaris*, LXVIII (1995) 737.

11 Ceccarelli Morolli, “La figura del Procuratore”, 737.

12 “St. Gregory the Great, who passed... many years in the Byzantine capital, was in his quality as Nuncio or apocrisiaire”, seen in *Codificazione Orientale*, Fonti, La Chiesa Antiochena, Caput IV, De Curia Patriarcali, 84.

13 G. R. Moroni, nel *Dizionario di Erudizione Ecclesiastica*, alla voce Apocrisiario, vol. II, Venezia (1884) 236-237; Cf. Ceccarelli Morolli, “La figura del Procuratore”, 737.

14 Pious XII, Motu Proprio: *Cleri Sanctitati*, 2 June 1952, in AAS, 49 (1957), 433-603.

canon 220 of *Cleri Sanctitati* states: “*Patriarcha apocrisiarum apud Sedem Apostolicam habere potest, ab ipso, audita synodo permanenti et praevio Sedis Apostolicae consensu, designatum*”. As we can notice in the previous legislation, we spoke of *apocrisarium* and not of procurator, moreover the power of the Patriarch, in putting into effect such appointment was subjected in fact to the opinion of the permanent synod as well as to the prior consent of the Holy See. The first variation of canon 220 of CS can be traced to *Nuntia* 2 (1976), where the canon appears as can. 6, affirming: “*Patriarcha apocrisarium vel procuratorem apud Sedem Apostolicam habet, ab ipso, audita Synodo permanenti, designatum praevio de consensu Romani Pontificis*”.

CCEO canon 61: “*Patriarcha procuratorem apud Sedem Apostolicam habere potest, a se de assensu praevio Romani Pontificis nominatum*”. The major changes in both canons are the terms *apocrisarium* is changed to *procuratorem*; *audita synodo permanenti* is not seen in 1990 legislation; *praevio consensus Sedis Apostolicae* is changed to *assensu praevio Romani Pontificis* and *designatum* is changed to *nominatum*.<sup>15</sup> The *Cleri sanctitate* legislation had the term apocrisary and not the term Procurator. The power of the Patriarch to appoint a Procurator was limited by the permanent Synod and prior consent of the Apostolic See of Rome. Some canonists like Korolevskiji Cirillo argue in favor of the term *apocrisarius*, saying that the term Procurator is not much in tune with the ancient and real Oriental tradition. The *Cleri sanctitati* used the term ‘apocrisarius’ in its canon 220.<sup>16</sup>

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15 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 261.

16 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 263.

## 4. The Present Canon in CCEO

We read in OE<sup>17</sup> about the Patriarchal power as: “The patriarchate, as an institution, has existed in the Church from the earliest times and was recognized by the first ecumenical councils”<sup>18</sup>, “by the most ancient tradition of the Church the patriarchs of the Eastern Churches are to be accorded special honor, seeing that each is set over his patriarchate as father and head”.<sup>19</sup> These two numbers of OE speaks about the power of the Patriarch. The figure of the Procurator which was more powerful in the past, was not a part of the Council’s discussions and consideration. We see practically nothing about the figure of the procurator in the decrees of Vatican Council II because the Council took for granted all the practices that existed in the Patriarchal Churches.

We can see the modifications of the CS c.220 in *Nuntia*<sup>20</sup>. *Patriarcha apocrisarium vel procuratorem apud Sedem Apostolicam habet, ab ipso, audita synodo permanenti designatum praevis de consensu Romani Pontificis.*<sup>21</sup> We see the changes: the coetus give ‘apocrisary or Procurator’, as the title of the person. Another change is from Apostolic See to Roman Pontiff. In *Nuntia*, in the first formulation of this canon, one can find *habet* (has to) instead of *habere potest* (can have)<sup>22</sup>. *Un autre Conseiller avait proposé de supprimer la parole “apocrisarius,” parce que cette fonction n’existait pas, semble-*

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17 Second Vatican Council, Decree on the Churches of the Eastern Rite: *Orientalium Ecclesiarum*, 21 November 1964, in AAS, 57 (1965), 76-89.

18 OE 7

19 OE 9

20 *Nuntia*, 1973 -1990.

21 *Nuntia* 2 (1976), 45.

22 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 263.

*t-il, en tant que figure ecclésiastique, mais représentait plutôt une sorte de délégué permanent des Patriarches auprès de la cour Impériale. le groupe, n'ayant pas suffisamment approfondi l'aspect historique de la question, la renvoya à l'étude.*<sup>23</sup>

One of the consulters was of the opinion that the term apocrisiary should not put in to this canon as it was not used for an ecclesiastical figure, but used as a permanent delegate of the Patriarch in the imperial court.<sup>24</sup>

la proposition d'un Consulteur de supprimer le canon ne fut pas acceptée; au contraire, pour souligner davantage dans le canon la nécessité de la présence permanente à Rome d'un procureur patriarchal, sur la proposition d'un Consulteur, on lit "habet" au lieu du "habere potest" qui se trouve dans le CS. La proposition de mieux à définir, dans une section à part du CICO, la figure juridique de l'apocrisiarius fut favorablement recue mais renvoyée aux sessions d'étude ultérieures".<sup>25</sup>

Still another consulter asked whether this canon could be suppressed or not; however, this idea was not accepted by the commission. Finally, the discussion led to the formulation of canon as: *Patriarcha procuratorem apud Sedem Apostolicam habet, ab ipso designatum praevio consensu Romani Pontificis*<sup>26</sup>.

The commission decided to suppress the clause from the canon *audita Synodo permanenti*. The terms *apocrisarium vel procuratorem* were cut short into *procuratorem* only. They give full power to the Patriarch to nominate the Procurator. Two consultation bodies asked the commission to reintroduce the term

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23 *Nuntia* 2 (1976), 45.

24 Francis Eluvathingal, "In view of a Syro-Malabar Church Procurator at Apostolic See of Rome", 263.

25 *Nuntia* 2 (1976), 45.

26 *Nuntia* 19 (1984), 30.

*apocrisarium* but that request was not accepted by the *Coetus* referring the early discussion (seen in Nutnia<sup>2</sup>) that *apocrisary* was the representative of the Patriarch at the Imperial court and such a term may not be apt for a common code for the whole Catholic Oriental Churches.<sup>27</sup>

There were also opinions that the precedence of the procurators when they represent the Patriarchs. But with regard to this, it was noted that the Procurator, by himself is not a representative of the Patriarch and that the regulations of precedence in the Schema of the CICO are reduced to the indispensable<sup>28</sup>. The group of study, for the sake of coherence of the terms of the section of the Patriarchate, changed the word ‘consensus’ to ‘assensus’ and they substituted the word *habet* with *habere potest*<sup>29</sup>. Then the text was accepted as “*Patriarcha procuratorem apud Sedem Apostolicam habere potest ab ipso designatum de praevio assensu Romani Pontificis*”. Again, we see the canon by changing the position of the word but without changing the meaning of the sense. “*Patriarcha procuratorem apud Sedem Apostolicam habere potest a se de assensu praevio Romani Pontificis designatum*”.<sup>30</sup>

Again, a small change like the word *designatum* was replaced by the term *nominatum* is placed in CCEO canon 61 as: *Patriarcha procuratorem apud Sedem Apostolicam habere potest a se de assensu praevio Romani Pontificis nominatum*.<sup>31</sup> The introduction of the word procurator in place of *apocrisarius*, as well as the cancellation of the clause *audita Synodo permanenti*, are the two significant variations regarding the canon. The fact that the

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27 Ceccarelli Morolli, “La figura del Procuratore”, 736.

28 *Nuntia* 22 (1986), 47.

29 *Nuntia* 22 (1986), 47 c. 30.

30 *Nuntia* 24/25 (1987), 12 c. 60.

31 *Nuntia* 27 (1988), 38.

opinion of the permanent synod is no longer needed undoubtedly constitutes an expansion of the patriarchal powers; moreover, it is well understood that the figure of the Patriarchal Procurator must correspond to a person of whom the Patriarch has full confidence in esteem. However, the most relevant point is that the commission preferred the term Procurator to the term *apocrisario*.<sup>32</sup>

The PCCICOR<sup>33</sup> after long deliberations and discussions, formulated the CCEO can. 61 and decided to take the term Procurator. The term Procurator "*procurare pro alio*" means to take care in place of another person or to manage in place of another person. In Latin, Procurator is properly the one who acts in the name of someone else, or with someone.<sup>34</sup> In fact the latter term designates precisely that particular task given by the Patriarchs to ecclesiastics residing in Constantinople, through which they made themselves known, and we also know that in the capital of the Eastern Roman Empire there were present not only patriarchal but also Papal apocrisary. The function of the apocrisary was an imperial office.<sup>35</sup> The *apocrisaries* could be civil or military persons and ecclesiastic *apocrisarians* came later.

In the West, the apocrisary exercised the office of the ordinary nuncio in the Catholic courts, and mainly was a deacon, who, except for deputies of the Supreme Pontiff, who had their base in Constantinople, and had to notify the emperor of the orders of the supreme authority, to which they then sent the

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32 Ceccarelli Morolli, "La figura del Procuratore", 736-737.

33 PCCICOR is *Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo*.

34 R.Naz, Procurateur, in *Dictionnaire du Droit Canonique*, t.VII, Coll 324 e ss. Paris (1965); seen in Francis Eluvathingal, "In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome", 265.

35 M. Forlin Patrucco, *Apocrisario*, in *Dizionario Patristico e di Antichità Cristiane*, vol. I, 280 seen in Ceccarelli Morolli, "La figura del Procuratore", 737

answers. This office was repealed in Constantinople when the iconoclast heresy began to infest the Church. Their origin dates back to the Pontificate of St. Leo I, (440).<sup>36</sup> The Latins called *responsales* those who were granted this office, which was also given to St. Gregory the Great and others, raised afterwards to the dignity of the supreme Pontificate. The Apocrisarii entered the hierarchy after the bishop and when they acted as legates, they also preceded the Patriarch.<sup>37</sup> Already in Six century, in Constantinople the figure of the apocrisario was well accepted and even we see legislation for the function of apocrisario. The diplomatic activity was intense in the capital of the Eastern Roman Empire and the imperial court felt the need to order the flow of the foreigners<sup>38</sup>.

It is difficult to find much commentary on CCEO Canon 61. Here we mention the main ideas of the commentary given by P.V. Pinto. The Patriarch may have but is not obliged - a Procurator at the apostolic See, appointed personally with the prior consent of the Roman Pontiff. In the CS, it was established that the Patriarch could have an *apocrisarium* at the Apostolic See, appointed by him after having listened to the permanent synod with the prior consent of the Apostolic See. The PCCICOR had decided to use the term Procurator, because *apocrisarius* was not an office based on canonical legislation but simply basing representative of Patriarchs at imperial courts. Furthermore, it was noted that the Procurator did not represent the Patriarch for the Holy See. It is, therefore, a personal agent that the Patriarch can have at the Holy See, without being obliged to do so, who, a power of attorney, acts on behalf of the Patriarch in the various

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36 Ceccarelli Morolli, "La figura del Procuratore", 737.

37 G.R Moroni nel *Dizionario di Erudizione Ecclesiastica, alla voce Apocrisario*, vol. II, 236-237, (Venezia 1844), seen in Ceccarelli Morolli, "La figura del Procuratore", 737

38 Ceccarelli Morolli, "La figura del Procuratore", 739.

things to be treated with the various departments of the Holy See. In the meantime, it should be noted that in the apostolic letter *Singularis argumentum* of 21 May 1712. Pope Clement XI seemed to be a Patriarchal apocrisary in the Apostolic See. It is therefore a case of a personal agent that the Patriarch can have with the Holy See, without being obliged to do so, who by a power of attorney, acts on behalf of the Patriarch in the various things to be treated with the various departments of the Holy See. In antiquity, it often happened in the relations between Rome and Constantinople and the other patriarchal offices, the sending of apocrisari to treat various serious questions; Papal apocrisarians were sometimes resident in Constantinople.<sup>39</sup>

### **A Critical look at the term Procurator**

A closer look at the meaning of the word apocrisary seems to have a conceptual similarity between the office of Nuncio and the Procurator. The Procurators are in a way, the representatives of the Patriarchs, if we go to the original term ‘apocrisaries’, and they are, at present, those who act in the name of Patriarchs. Keeping more fidelity to the original source of this concept and theology, this figure is to be a Procurator *cum* representative. The presence of the Patriarchal Church in Rome can be well represented by the Procurator, when he is expected to represent the Patriarchs.<sup>40</sup>

In CCEO the figure of Procurator *Patriarchae apud Sanctam Sedem* is a typical office proper to Eastern legislation. We have seen the canon’s formulation and noticed the change of the word Apocrisary to Procurator. There were discussions during

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39 P.V.Pinto, ed., *Commento al Codice dei Canonici delle Chiese Orientali*, Libreria Editrice Vaticana, citta del Vaticana,76.

40 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 266.



the formation of the Canon regarding the adaption of the word Procurator in place of apocrisiary. Some members in PCCICOR have argued for the reintroduction of the word apocrisarius<sup>41</sup>. The reason for rejecting the request was that the apocrisiary was the representative of the Patriarch at the imperial court and, therefore, not apt to mention in a common code for the whole Catholic Oriental Churches. The Procurators are, in a way, the representative of the Patriarchs if we go to the original term ‘apocrisiaries’, and they are at present, those who act in the name of the Patriarchs. The juridical implication of the word used is more important than the word used.

The law does not specify what tasks the Procurator should perform, but simply assigning the term Procurator to this office seems to want to leave the Procurator the possibility to act on behalf of the Patriarch; his office should therefore be that of representing the Patriarch and at the same time through the Patriarch and Holy See. Hence a semi-diplomatic function, since he represents the Patriarch officially at the Roman Pontiff, but not only the Procurator can also have delicate assignments on behalf of the Patriarch which he cannot personally perform because of the distance from Rome. The institution of the Procurator, which is undoubtedly the fruit of the past, in which the distances, given the means of transport, appeared greater than those of today - and, in our opinion, rightly remained in force; to treat many questions at dicasteries and congregations of the Roman Curia, a person who permanently resides in Rome is needed, and the Procurator, being an ecclesiastic, often becomes a point of reference for the Eastern faithful living in Rome. So although the code reserves only one canon for this institute, it is respectable and not to be underestimated.<sup>42</sup>

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41 *Nuntia* 22 (1986), 47 c. 30.

42 Ceccararelli Morolli, “La figura del Procuratore”, 734.

## Procurator: Rights and duties

The canon on Procurator does not specify any rights and duties of the procurator. There does not exist any norm that has juridical value. Though the Canon does not mention the role of the Procurator it seems to leave sufficient space for the Procurator to act in the name and on account of the Patriarch with his given competence in the name of the Patriarchal Church. The figure of the Procurator is recognized in all the dicasteries of the Roman Curia as is clearly said in the CCEO. However, his office would have been representative of the Patriarch and at the same time in between the Patriarchal See and the Apostolic See of Rome. One of the functions of the Procurator was ‘semi-diplomatic’ from the moment he officially represented the Patriarch to the Roman Pontiff. The Procurator can also have delicate duties for the Patriarch that ultimately could not be personally solved by the Patriarch, as he was very much far from Rome.<sup>43</sup>

From history, we can come to certain conclusions such as, in the beginning, the Procurator was necessary as he was the representative of the Patriarchs, linking the Patriarchal Church and the Apostolic See of Rome. When the communication facilities were insufficient for a decision of an immediate nature, the Apostolic See of Rome could consult him. Therefore, the Procurator had much more rights as the representative of the Patriarch. The Roman Curia can approach the Procurator, if it would like to do so. In the beginning, all the dicasteries of the Roman Curia always consulted the Procurator or were obliged to consult him for any decision- making, nor was the Procurator, in one way or another, part of the decisions taken by the Roman Curia.<sup>44</sup>

When we look at the statutes of the *Procuras* in Rome we can see some of the rights and duties of the Procurator can be

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43 Ceccarelli Morelli, “La Figura del Procurator”, 734.

44 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 268.

traced out. The statute of the Syro - Malabar *Procura* clearly states the responsibilities of the Procurator.<sup>45</sup>

- a) Executes the decisions and directives of the Major Archbishop of the Syrian Malabar Catholic Church.
- b) Represents the Major Archbishop of the Syro-Malabar Catholic Church before the ecclesiastical and civil authorities.
- c) Provides for the conservation of all necessary documents relating to the various properties, and the records required for good administration.
- d) Provides for all the ordinary expenses and repairs that the buildings require.
- e) Ensures the keeping of a regular accounting of the assets in question and their revenues;
- f) Prepares and presents for the examination of the Major Archbishop of the Syrian-Malabar Catholic Church the annual report, the financial statements and the budget.

In the present scenario, even though the duties of the Procurator in his official capacity are very few, the Patriarchs may entrust him with other responsibilities. Or, with the permission of the Patriarchs, the Procurator may take up some other duties in Rome. Most of the existing Procurators have other offices and duties assignments in Rome. Most of the Procurators are rectors of their respective Church communities and parish churches in and around Rome.

Most of the Patriarchal Churches have many students-priests, seminarians, sisters and laypersons- in and around Rome. The Patriarchal Churches must have somebody in Rome to coordinate the students' lives and unite their activities in Rome. Being an important ecclesiastical person, the Procurator becomes

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45 Statuto della Procura della Chiesa Cattolica Siro Malabarese in Italia, art. 6.

very often the point of reference for the Oriental faithful who reside at the Centre of the Catholic Church.<sup>46</sup> We can say that according to the changing situations of society and in the Church new roles and responsibilities can be added to the office of the Procurator of the Patriarch.

#### **2.4 The Procurator: of the Patriarchal Church or Patriarch**

In *Nuntia* 19, the commission has suppressed the clause of *audita synodo permanenti. Patriarcha procuratorem apud Sedem Apostolicam habet, ab ipso designatum praevio consensu Romani Pontificis*.<sup>47</sup> It might have been suppressed to give more power to the Patriarchs in appointing the Procurator more freely among men whom the Patriarchs trust and esteem.<sup>48</sup> It does not mean that Patriarch is excluded from the freedom to hear the Permanent Synod or even the Synod of Bishops itself before appointing a Procurator. Even if the clause *audita synodo permanenti* is suppressed, it is more likely that the Patriarchs hear the Synod of Bishops or the Permanent Synod before nominating the Procurator. The statute of the *procura* of the Syro- Malabar Church says: The Procurator and the Secretary are appointed by the Major Archbishop of the Syro-Malabar Catholic Church for the period determined by the Permanent Synod with the consent of the Roman Pontiff.<sup>49</sup>

CCEO c. 61 gives great freedom to the Patriarch in nominating the Procurator. But looking at the practice of the different existing Procurators, it seems that the Patriarch can't decide upon any person to be the Procurator because, among the existing five Procurators, four of them are Bishops and one, an archimandrite. The nomination of current Bishop or the election

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46 Francis Eluvathingal, "In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome", 269.

47 *Nuntia* 19 (1984), 25, c. 30.

48 Cecceralli Morelli, "La figura del Procurator", 736.

49 Statuto della Procura della Chiesa Cattolica Siro Malabarese in Italia, art. 5.

of a new Bishop to this office of the Procurator is to be done by the Synod of Bishops. Therefore, the whole Synod of Bishops is involved in the nomination of a Procurator.<sup>50</sup>

Even if the Patriarchs are directly responsible for the nomination of the Procurator and the Procurator is directly accountable to the Patriarchs, the responsibility of the Procurator to the Patriarchal Church is not lessened, because the Patriarch is the father and head of the Patriarchal Church. He does not appoint the Procurator as his private agent, but as the public person of the Church. In this case, the Procurator is the representative of the whole (Patriarchate) Patriarchal Church,<sup>51</sup> and he is not only responsible to the Patriarch but also to the Patriarchal Church. The Procurator represents not only the Patriarch but he represents all the matters of the various dioceses of the Church in the *Santa Sede* because the Procurator is not doing a mere service as the secretary to the Patriarchs or Major Archbishops in Rome. Therefore one cannot exclude the possibility of the Procurator getting involved in different affairs of the Patriarchal Church, of course, with the request and direction of the higher authorities. But it does not mean that the Procurator is responsible for the activities of the Patriarchal Church about the Apostolic See of Rome.<sup>52</sup>

In effect, the work of the Procurator in Rome is always an extension of Patriarchal Curia. The office of the Procurator is always connected with the procura. The Procura serves as a representing house for the Patriarchal Church in Rome. It is reference point for each Patriarchal and Major Archiepiscopal

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50 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 266.

51 Korolevskij, *Studio di Diritto Comparato, Codificazione Canonica Orientale*, 229- 300, seen in Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 267.

52 Francis Eluvathingal, “In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome”, 267.

Churches in Rome. The *procura* is a juridical person, and the Procurator is its legal representative. We read in the statutes of the Syro - Malabar *procura* as follows: Art. 1 The office of the Procurator of the Syro-Malabar Catholic Church at the Apostolic See is an ecclesiastical juridical person according to the Code of Canons of the Eastern Churches (CCEO), can. 920-923. The Procurator represents the procura in the ecclesiastical and civil forums.<sup>53</sup> So, it is clear that the role of the Procurator is not merely as a personal assistant to the Patriarch at the Holy See.

The Patriarch can ask the Procurator to get things done according to the need of the Patriarchal Church, in effect, through the Patriarchal Curia. The Procurator can and should be involved in matters that are requested explicitly by the Patriarch himself by the Patriarchal Curia, or if it is said in the statutes or the letter of appointment. At the same time, the Patriarch can ask the Procurator to involve in certain particular cases if it is under the competence of the Patriarch that pertains to the Patriarchal Church.<sup>54</sup> The communications from the Oriental Congregation to the Procurators are as the Procurator of the Patriarch or the Major Archbishop. But we cannot reduce the office of the Procurator as the personal agent of the Patriarch or the Major Archbishop because he is representing the whole Patriarchal Church at the Holy See. So it is preferable to mention as the Procurator of the Patriarchal Church than the Procurator of the Patriarch.

## Conclusion

Though CCEO Canon 61 is very small, the office mentioned is very significant in relation to the Patriarch. It is typically an

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53 Statuto della Procura della Chiesa Cattolica Siro Malabarese in Italia, art. 1 & 4.

54 Francis Eluvathingal, "In view of a Syro-Malabar Church Procurator at the Apostolic See of Rome", 269.

office seen in Oriental legislation. The Procurator's office also dignifies the Patriarch as the head and father of the Church. We have seen that the office of the Procurator is very ancient and adapted to the CCEO with adequate changes. The presence of the Procurators of the Patriarchal Churches in Rome enriches the catholicity of the Catholic Church at Rome being the center and heart of the universal Church. The *procuras* and Procurators of the Oriental Churches in Rome would symbolize communion and diversity of the Catholic Church. The law does not specify what tasks the Procurator should perform, but simply assigning the term Procurator to this office seems to want to leave the Procurator the possibility to act on behalf of the Patriarch; his office should therefore be that of representing the Patriarch and at the same time through the Patriarch and Holy See. Hence a semi-diplomatic function, since he represents the Patriarch officially at the Roman Pontiff.

In the Eastern Code the Patriarch holds an office of great significance and is endowed with many powers. Canon 56 of the new Code defines the Patriarch as the head of a *sui iuris* Church. The office of the Procurator glorifies the Patriarch as the father and the head of the Church. With this office Patriarch is always being represented at the Holy See. The ecclesiological nature of the Catholic Church which is the communion of various Churches is being put into practice by different means. The office of the Procurator can be seen as a means of constant communication of the Patriarchs and the Major Archbishops with the Holy See.







# The Nature of Autonomy and Hierarchical Dependence of the Syro-Malabar Mission Eparchies

Francis Eluvathingal\*

## Introduction

In the wake of the restoration of All-India jurisdiction and extension of the territory of Major Archbishop to All-India, this topic is very relevant and important. Surpassing successfully all the hindrances, on October 9, 2017 Pope Francis through the Apostolic Letter “*Varietas Ecclesiarum*” restored All-India Jurisdiction to the Syro-Malabar Church of the St. Thomas Christians who awaited for centuries “*with the fidelity and patience of the wise virgin, ..., so that the light of her lamp may enlighten all peoples..*”<sup>1</sup> Certainly it is considered to be the most important milestone for the Syro-Malabar Church. In the history of the Syro-

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1 *Synodal News*, 25/1-2, (December 2017) 181, no.1.

Malabar church, there had been many changes in the concept of autonomy, hierarchy, dependence, etc. due to various reasons.

This article is a humble attempt to examine the historical and canonical consequences that has taken place with the new shift. With this new arrangement, a clear canonical modification has taken place in the nature of the autonomy of the Syro-Malabar church. And naturally, this has brought about serious but positive consequences in the hierarchical dependence also in the administration of the mission Eparchies as well.

## **1. Historical setting of the Nature of Autonomy of the Syro-Malabar Church**

Catholic Church is the communion of twenty-four *sui iuris* Churches and it is essential for the Catholic Church to reveal her face in all its beauty to the world, in the richness of her various traditions. It is admired as rich and beautiful, complex and unique. This variety of ecclesial life is also found in India. The first Catholic Church in India has its origins in the preaching of the Apostle Thomas. The history of Christianity in this great country thus led to three distinct *sui iuris* Churches. Due to certain historical vicissitudes, the Syro-Malabar Church was deprived of having jurisdiction for about four centuries.

Migration and evangelization necessitated this Church to begin the process of restoration of the age old 'All-India Jurisdiction'. In the light of the decisions of Second Vatican Council to this effect, numerous initiatives were taken under the leadership of Syro-Malabar Bishops Council and later the Synod of Bishops of the Syro-Malabar Church. To bring certain conclusions, thirty years ago, Saint Pope John Paul II wrote a Letter to the Bishops of India. But due to some obstacles, the completion of the process of restoration was hindered.

## 1.1. Rebirth of St Thomas Christians as the Syro-Malabar Church

Understanding the tragic situation of the St Thomas Christians by the suppression of the Archdiocese of Cranganore in 1886, Pope Leo XIII on 20 May 1887 through the apostolic letter *Quod iampridem*, he separated the Eastern Christians from the Latins of the Archdiocese of Verapoly and constituted for them two Syro-Malabar vicariates apostolic: Trichur and Kottayam.<sup>2</sup> The ritual separation of the St Thomas Christians from the Latins of the Archdiocese of Verapoly and the erection of two vicariates apostolic for them marked the rebirth of the Catholic section of the Church of St. Thomas Christians as the Syro-Malabar Church.

Later, on 28 July 1896 the above mentioned two vicariates apostolic were reorganized into three vicariates: Trichur, Ernakulam and Changanacherry, immediately dependent on the Holy See. To the satisfaction of the St Thomas Christians three vicars apostolic were appointed from the Syro-Malabar Church.<sup>3</sup> Thus the quest of the Catholic St Thomas Christians for Bishops of "their own rite and nation" became a reality.

## 1.2. The Erection of the Syro-Malabar Hierarchy

According to the recommendation of the Congregation for the Oriental Church, by the apostolic constitution *Romani pontifices* of 21 December 1923 Pope Pius XI established the Syro-Malabar hierarchy with Ernakulam as a Metropolitan See and Trichur, Changanacherry and Kottayam as suffragan dioceses.<sup>4</sup>

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2 The apostolic letter *Quod iampridem* of 20 May 1887 in *Leonis XIII, Pontificis Maximi Acta*, vol. VII, Romae 1888, 106-108.

3 The apostolic constitution, *Quae rei sacrae* of 28 July 1896 in *Leonis XIII, Pontificis Maximi Acta*, vol. XVI, 1897, 229-232.

4 The apostolic constitution, *Romani pontifices*, AAS 7 (1924) 257-262.

The hierarchy of the Syro-Malabar Church was not constituted in the manner of an Eastern hierarchy with a common head (Major Archbishop, *catholicos* or Major Archbishop) and a Synod of Bishops, consonant with the "sacred canons" and authentic Eastern traditions, but as a metropolitan province in accordance with the Latin *Code of Canon Law* of 1917. Like the other metropolitan provinces of the Latin Church, the Syro-Malabar Church in 1923 remained a province directly dependent on the Holy See. Although the new Syro-Malabar hierarchy remained *de iure* Oriental, in its form and hierarchical grades of order and jurisdiction it was similar to the Latin hierarchy. Just as in the Latin Church the metropolitan and Bishops were directly nominated by the Roman Pontiff. Practically, the metropolitan and the bishops had all the rights, privileges and obligations prescribed in the Latin Code.<sup>5</sup>

Pope Pius XII accomplished another step when he constituted the new ecclesiastical province of Changanacherry on 29 July 1956 with Changanacherry as the Metropolitan See.<sup>6</sup> Thus from this time the Syro-Malabar Church began to be governed by two independent metropolitans, who directly depended upon the Holy See. Hence, the two provinces of the Syro-Malabar Church, directly subjected to the Holy See, functioned like the other metropolitan provinces of the Latin Church, without a common head and a Synod of Bishops for collegial governance in accordance with the authentic Eastern tradition.

### **1.3. The Eastern Code and the Elevation of the Status**

*The Code of Canons of the Eastern Churches*, the apostolic constitution *Sacri canones* was promulgated by Pope John Paul II on 18 October 1990, which began to have the force of law from

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5 V. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 76-83.

6 Apostolic constitution *Regnum caelorum*, AAS 51 (1959) 580-581.

1 October 1991. The new Eastern Code clearly defined the status as Patriarchal, Major archiepiscopal Churches, Metropolitan Churches and 'other Churches *sui iuris*'. After the promulgation of the Code, all the Eastern Catholic Churches had to conform to one of the four forms or grades of *sui iuris* Churches envisaged in it. By this time, the Syro-Malabar Church had twenty-one eparchies. Twelve eparchies were within the delimited territorial boundaries of this Church: seven were suffragans of the ecclesiastical province of Ernakulam and three those of Changanacherry. Eight mission eparchies and the Eparchy of Kalyan (erected for the pastoral care of the migrants) were considered suffragans of the Latin archdioceses of the place. But this Church had no common "father and head", who had jurisdiction over the whole Church. The then existed 'Syro-Malabar Bishops' Conference' was a mere consultative body, which had no legislative, judicial, electoral or administrative powers.

It was evident that an intervention of the supreme authority of the Church, restructuring the Syro-Malabar Church in accordance with the juridical figure of the Major Archbishop or Major Archiepiscopal Churches, envisioned in the new Code was necessary to resolve the peculiar juridical situation of this Church.<sup>7</sup> It was only after the promulgation of the new Code that the Holy See gradually initiated the procedures to rectify the hierarchical irregularity of the Syro-Malabar Church.<sup>8</sup> Finally on 16 December 1992 by the apostolic constitution *Quae maiori* Pope John Paul II constituted "the Syro-Malabar Church as a Major Archiepiscopal Church under the title of Ernakulam-Angamaly, along with all the rights and duties incumbent on the same in terms of the Sacred Canons of the Eastern Churches."<sup>9</sup>

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7 *Nuntia* 29 (1989) 52-53.

8 G. Nedungatt, *The Spirit of the Eastern Code*, 140-146.

9 Apostolic constitution *Quae maiori*, AAS 85 (1993) 398-399.

#### **1.4. The Syro-Malabar Migration: History and Growth in India**

In the modern times, the pressing reason for the restoration of All-India Jurisdiction was for enabling the pastoral care of the migrants and the evangelization of India through the migrants and the numerous missionary personnel. The adventurous movements of the Syro-Malabar faithful, in the search for greener pastures, have often been compelled by the scarcities in the homeland and been inspired by the perceived opportunities in the distant regions and countries. The contribution of the educational institutions in Kerala equipped them to go far and wide across the globe. The migrants, who were settled in different places across the globe, have grown to the second and third generations so as to become sons and daughters of the respective countries of their settlement. Hence thanks to migration, Syro-Malabar Church, which was earlier confined to the territorial limits of Kerala, has grown now to a global Church, spreading the Good News of our Lord, which she inherited from St. Thomas, the Apostle, in the multi-cultural-linguistic and religious contexts of the world.

Despite many limitations, the Syro-Malabar Church has been trying to be proactive in the issue of migrants and has taken several steps for their pastoral care. From the time the migration started from the South Kerala to the North Kerala, the Church with her creative intervention took effective pastoral care and the Eparchy of Thalassery was erected in 1953, which got later divided into other 5 more eparchies. After II Vatican Council, influenced by its teachings especially on communion ecclesiology, the Syro-Malabar Church became greatly conscious of her own ecclesial identity and of her responsibility to provide proper pastoral care to her own migrant sons and daughters living in Diaspora especially outside Kerala in India. The Eparchies of Kalyan (1988) in Maharashtra, Faridabad (2012) in Delhi and

Hosur (2017) in Tamilnadu and Shamshabad (2017) in Telangana but also including remaining areas outside the Syro-Malabar Eparchies in India were established with this purpose. Similarly outside India, the Eparchies of Chicago (2001) in USA, Preston in Great Britain (2016), Melbourne (2013) in Australia and New Zealand and all the countries of Oceania and Missisauga (2018) in Canada.

### **1.5. Emergence of “Mission Eparchies” of the Syro-Malabar Church in India**

Pope John XXIII established the first Syro-Malabar Exarchate of Chanda on 31 March 1962 in Maharashtra. But an extensive missionary collaboration among the Latin and Oriental churches was a result of the second Vatican Council. As a result, Apostolic Exarchates, a pre-diocesan Eastern Catholic missionary jurisdiction, split off from the then Latin territories were established from 1968 onwards. The 1974 Calcutta Meeting of CBCI done in the light of the Council expounded “Priests, Brothers, Sisters and others from dioceses that are rich in vocation specially in South should be invited to work in dioceses where there is a dearth of personnel. Bishops in the North with extensive territories, especially in responsive areas, should invite Bishops, Major Superiors and Religious Institutes of Priests particularly from the South to take up territories on the pattern adopted in the formation of Exarchate”.

As follow up of the decision of the CBCI, certain territories of Latin Dioceses were handed over to the Syro-Malabar religious congregations of Men and Syro-Malabar Eparchies for evangelical activity with a view to create it into a separate ecclesiastical entity. Such missionary collaboration has encouraged the Syro-Malabar Church to come out of the built patterns and make new experiments in the field of evangelization. It has resulted in having nine “Mission Eparchies” such as Adilabad, Bijnor,

Chanda, Gorakhpur, Jagdalpur, Rajkot, Sagar, Satna, Ujjain are established starting from 1977 to 1999.

In fact, the nine mission eparchies outside Kerala were considered extra territorial eparchies in accordance with canons 146-150 of the Eastern Code. Practically the Synod of Bishops of the Syro-Malabar Church did not enjoy any legislative (with the exception of liturgical laws), judicial and electoral powers in the eparchies outside its proper territory. Similarly, the Major Archbishop could not exercise any administrative powers.

Realistically, in the objectives and goals of all Eparchies, there is mission. Without mission, which is the very nature of the Church, no eparchy can exist. But for practical purpose, we have named those eparchies created exclusively for mission “Mission Eparchies”. Slowly and gradually, we must change the term of Mission Eparchies and find a suitable term if at all we have to denote it differently.

## **2. Shift in the Autonomy and Restoration of All-India Jurisdiction**

The Codes, *Codex Iuris Canonici* (CIC) of 1983, and *Codex Canonum Ecclesiarum Orientalium* (CCEO) of 1990 have clearly visualized about the distribution of authority defining the autonomy and hierarchy. Syro-Malabar Church, being a Major Archiepiscopal Church, we need to analyse the canonical legislations related to the nature of autonomy of the Major Archbishop and the Synod of Bishops of the Syro-Malabar Church.

### **2.1. Nature of Autonomy and Hierarchical Implications**

Canonically, each Eastern Catholic Church is *sui iuris* or autonomous with respect to other Catholic churches, whether Latin or Eastern, though all accept the spiritual and juridical



supreme authority of the pope. In matters of self-governance, there is practically no difference between a patriarchal Church and a major archiepiscopal Church. The main difference is in the after-election procedure of the patriarch and major archbishop. The patriarch needs to request only ecclesiastical communion from the bishop of Rome after his election, while the election of the major archbishop requires confirmation of the Supreme Authority. Similarly, major archbishop comes second to patriarchs in precedence of honour. Patriarchal and major archiepiscopal Churches are autonomous in a number of matters such as election of bishops, erection of eparchies and so on.

Theologically, all the particular churches can be viewed as "sister churches". According to the Second Vatican Council these Eastern Catholic churches, along with the larger Latin Church, share equal dignity, so that none of them is superior to the others as regards rite, and they enjoy the same rights and are under the same obligations, also in respect of preaching the Gospel to the whole world (cf. Mark 16:15) under the guidance of the Roman Pontiff.

The Eastern Catholic churches are in full communion with the whole Catholic Church. While they accept the canonical authority of the Holy See of Rome, they retain their distinctive liturgical rites, laws, customs and traditional devotions, and have their own theological emphases.

## **2.2. Territorial Jurisdiction and the Major Archbishop**

It is true that the Major Archbishop has his power over his Church. But this power cannot be exercised in total over the world in a normal way. His power is limited to the territorial boundaries of his Church. CCEO c. 78 § 2 says: "the power of the Major Archbishop is exercised validly only inside the territorial boundaries of the Major Archiepiscopal Church unless the

nature of the matter or the common or particular law approved by the Roman Pontiff establishes otherwise.” It is to be noted that there is a region assigned by the supreme authority of the Church for the territorial jurisdiction of the Major Archbishop. And the powers of the Major Archbishop are lawfully exercised inside the territorial boundaries of this Church.<sup>10</sup> The power of the Major Archbishop is also extended to the faithful of other *sui iuris* Churches who reside in his territory.<sup>11</sup> The Major Archbishop has some obligation concerning the faithful of his Church, residing outside the territorial boundaries of his Church. He is to seek appropriate information concerning the Christian faithful who reside outside the territorial boundaries of the Church over which he presides (CCEO c. 148 §§ 1, 3).

The Major Archbishop is the father and head, not only within the territory but also for the whole faithful Church to whom he presides over. The concept ‘*pater et caput*’ (father and head), attributed to the Major Archbishop, is an age-old concept from the beginning of the existence of the figure of the Major Archbishop itself. There are references in the ecumenical councils<sup>12</sup> and in Vatican II<sup>13</sup> to this concept. CCEO c. 56 also affirms this concept by canonical legislation.

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10 CCEO c. 146 § 1. The territory of the Church over which the Major Archbishop presides extends over those regions in which the rite proper to that Church is observed and the Major Archbishop has a lawfully acquired right to erect provinces, eparchies and exarchates.

11 CCEO c. 147. Inside the territorial boundaries of the Major Archiepiscopal Church, the power of the Major Archbishop is exercised on others who do not have a local hierarch of their own Church *sui iuris* constituted in the same territory and, even if they remain ascribed to their own Church, are committed to the care of local hierarchs of that Major Archiepiscopal Church with due regard for c. 916 § 5.

12 Nicaea I, c. 6; Constantinople I, c. 2; Constantinople IV, cc. 17, 21.

13 OE 7, Tanner, *Decrees of the Ecumenical Councils*, vol. II, 900-907.

Here, there also comes a question of the territory. Will the Major Archbishop be the father and head of the faithful of the Church within the territorial boundaries or is it also for those who are outside the territorial boundaries of the Church? The Code makes the obligation of commemorating the Major Archbishop during the liturgical celebrations<sup>14</sup> as he is the father and head of the Church. As per CCEO c. 150 § 2, the laws enacted by the synod of bishops of the Major Archiepiscopal Church and promulgated by the Major Archbishop have the force of law everywhere in the world, if they are liturgical laws. This law is applicable to the entire faithful spread over the world. This concludes that the Major Archbishop is to be accepted as the father and head of the Church also outside the territorial boundaries by the faithful of the respective *sui iuris* Church.

In fact, the question of extending the jurisdiction of the Major Archbishops beyond their traditional territory had surfaced several times during the process of codification of CCEO. Since it was considered in contrast to tradition it was referred to the final verdict of the Holy Father. In the Holy Father's speech promulgating CCEO, His Holiness suggested formulation of *ius speciale* for addressing this issue.<sup>15</sup>

As per CCEO c. 146 § 1. The territory of the Church over which the Major Archbishop presides extends over those regions in which the rite proper to that Church is observed. And as per c. 146 - § 2, if any doubt concerning the territorial boundaries of the Major Archiepiscopal Church arises, or if it is a question of the

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14 CCEO c. 91: The Major Archbishop must be commemorated in the Divine Liturgy and in the Liturgy of the Hours after the Roman Pontiff by all the bishops and other clerics according to the prescriptions of the liturgical books.

15 This issue had come for discussion in the beginning itself i.e. on 18 March 1974 cf. *Nuntia* 30 (1990) 55-62. *L'Osservatore Romano*, 27 Oct. 1990, p. 5, col. 1, No. 12. Letter of Mgr. Cassidy, 10 Nov. 1988, *Nuntia* 29 (1989) 27

modification of its boundaries, it is for the synod of bishops of the Major Archiepiscopal Church to investigate the matter. After hearing the superior administrative authority of each Church *sui iuris* concerned, and after discussing the matter in the synod, it is up to the same synod to present a suitably documented petition for the resolution of the doubt or for the modification of the boundaries to the Roman Pontiff. It is only for the Roman Pontiff to resolve the doubt authentically or to decree the modification of the boundaries. The Synod of the Syro-Malabar Church has made this request to the Holy See several times for the historical reasons as India was the legitimate territory of the St. Thomas Christians till the end of 15th century and because there is an urgency due to the pastoral care of migrants and evangelization by the numerous missionaries from this Church spread throughout India.

### **2.3. Autonomy in All-India stated by the Decree**

In the letter of Pope Francis to all the Catholic Bishops of India dt. on 9th October 2017, we read, “In 2011 my predecessor Benedict XVI wished to provide for the pastoral needs of the Syro-Malabar faithful throughout India, and I confirmed his intention following the plenary session of the Congregation for the Oriental Churches in 2013.” The Pope continues to write in the same letter, “I have therefore authorized the Congregation for the Oriental Churches to provide for the pastoral care of the Syro-Malabar faithful throughout India by the erection of two Eparchies and by the extension of the boundaries of the two already in existence. I decree also that the new circumscriptions, as with those already in existence, be entrusted to the pastoral care of the Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-Malabar Church, according to the norms of the *Code of Canons of the Eastern Churches*.”<sup>16</sup>

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16 *Synodal News*, 25/1-2, (December 2017) 184.

The erection decree of the Eparchy of Shamshabad is signed by Pope Francis himself. In the erection decree, it is iterated “in the fullness of our Apostolic authority, we erect and constitute the new eparchy under the name of SHAMSHABAD, out of all the territories of India where at present the eparchial jurisdiction for the Christian faithful of the same Syro-Malabar Church is wanting. ... We decide that this eparchy be subject to the Major Archbishop and the Synod of the Bishops of the Syro-Malabar Church for its pastoral care.”<sup>17</sup>

The above said two documents not only clearly state about the restoration of All-India jurisdiction to the Syro-Malabar Church but also the extension of the proper territory of the Major Archbishop and the Synod of Bishops of the Syro-Malabar Church.

#### **2.4. Restoration of All-India Jurisdiction and Extension of the Territory**

The Holy Father Pope Francis, icon of Justice as far as the Syro-Malabar Church is concerned, in the letter to all Bishops of India decrees, after informing about the erection of two new Eparchies and extending the territory of two eparchies, “that the new circumscriptions, as with those already in existence, be entrusted to the pastoral care of the Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-Malabar Church, according to the norms of the *Code of Canons of the Eastern Churches*.”<sup>18</sup> The erection decree of the Eparchy of Shamshabad, it is reiterated “We decide that this eparchy (Shamshabad) be subject to the Major Archbishop and

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17 Cf. English Translation of the Decree of Erection of the Eparchy of Shamshabad, *Synodal News*, 25/1-2, (December 2017) 191-192.

18 *Synodal News*, 25/1-2, (December 2017) 184.

the Synod of the Bishops of the Syro-Malabar Church for its pastoral care.”<sup>19</sup>

In order to clearly understand the concept of All-India jurisdiction, two nuances behind them are to be understood properly: (1) jurisdiction for the pastoral care and evangelization all over India, (2) the extension of the proper territory of the Major Archbishop. Regarding the pastoral care and evangelization, there is an explicit certainty in the letters, whereas regarding the extension of the proper territory, the pronouncement is implicit. Instead of stating about the extension of proper territory of the Syro-Malabar Church to the confines of India, it is stated, “that the new circumscriptions, as with those already in existence, be entrusted to the pastoral care of the Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-Malabar Church, according to the norms of the *Code of Canons of the Eastern Churches*.”<sup>20</sup> On this concept, the mind of the Holy Father is clarified in the erection decree of the Eparchy as well.

According to the canonical principle, in order to arrive at a conclusion on such topics the ‘*mens legislatoris*’ (mind of the legislator or the intention of the lawmaker) is to be rightly interpreted for clarity. If we watch the papal pronouncements of the recent times, the facts and decisions are also expressed implicitly. For a slow and gradual acceptance of the directives, the implicit style is much better and effective. May be this implicit way of expression is better in the ecclesial context of India in which it was given. In any case, whether strictly or liberally interpreted, it is explicit that the door of All-India Jurisdiction is kept wide open for a gradual and cautious application. As we

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19 Cf. English Translation of the Decree of Erection of the Eparchy of Shamshabad, *Synodal News*, 25/1-2, (December 2017) 191-192.

20 *Synodal News*, 25/1-2 (December 2017) 184.

move forward, the ‘mens legislatoris’ will enlighten us giving more clarity.<sup>21</sup> In building one Church of Christ in India, the Holy See has taken a most important move by solving age old claims of the Syro-Malabar Church, serving justice and equity with sensitivity, and strengthening the unity of Indian Church.

## **2.5. Missionary Responsibility of the Syro-Malabar Church**

In the history of Christianity, mobility gave impetus to the spread of the Good News. All sons and daughters of the Church are ordained with the spiritual responsibility to proclaim Jesus. The Christian migrants by their life and witness have been instrumental in propagating gospel to the nook and corner of the world through enormous mission journeys. It is desirable that the migrants keep St Paul’s words resonate in their hearts: "Woe to me if I do not preach the gospel" (1 Cor 9:16). Like St. Thomas the Apostle was sent to India, the Syro-Malabar migrants are sent out across the globe. This migration is not only for their survival or economic stability but also fulfilling the mission entrusted in building up the Church globally.

*Ad Gentes* no. 2 reads, “The Church on earth is by its very nature missionary.” This holds true for Syro-Malabar Church. The existence of the Church becomes unwarranted, if it does not engage in missionary activity. Mission work is a divine

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21 In principle, All-India Jurisdiction is given to All-India as is stated in the Letter of the Holy Father, in which it is stated “that the new circumscriptions, as with those already in existence, be entrusted to the pastoral care of the Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-Malabar Church, according to the norms of the Code of Canons of the Eastern Churches.” *Synodal News*, 25/1-2 (December 2017) 184. But the Decree of erection of the Eparchy of Hosur brings forth a confusion. There it is stated, “we declare that this Eparchy shall be under the jurisdiction of the Congregation for the Oriental Churches and that everything else be provided for according to the canonical norms of the Oriental Churches’. *Synodal News*, 25/1-2 (December 2017) 188.

mandate.<sup>22</sup> It is a *commandment* (Acts 13: 47) for Luke and an *obligation* (1Cor. 9: 16) for Paul. Pope Paul VI stated that Church “exists in order to evangelize” (EN 14). “The mission activity flows immediately from the very nature of the Church” (AG 6). Since “the reason for missionary activity lies in the will of God” (AG 7), to hinder any Church in its evangelization work, is to reject the will of God. If “mission activity is the greatest and holiest duty of the Church” (AG 29), let no Church harass another one in the matter of evangelization. The call of Jesus “to go and make disciples of all nations” (Mt. 28:19; Mk.16: 15) allows no delimitation by any authority.<sup>23</sup>

OE 3 speaking about the individual Churches and their right for pastoral and missionary labours states, “these Churches are of equal rank, so that none of them is superior to the others because of its rite. They have the same rights and obligations, even with regard to the preaching of the Gospel in the whole world (Mk.16: 15) under the guidance of the Roman Pontiff.” The same idea is echoed in the CCEO c. 585 §1: “each of the Churches *sui iuris* is to continually see that, through suitably prepared preachers sent by the competent authority according to the norms of the common law, the Gospel is preached in the whole world under the guidance of the Roman Pontiff.”

The very presence of the Christian migrants among the Hindu-dominated north Indian states, Muslim-dominated Gulf regions and Christian-dominated European or other countries is a significant mode of evangelization as well. The Syro-Malabar Church is duty bound to help these faithful to witness creatively where they are planted. If not done, the ultimate loss is for the Church of Christ. By the power of the Holy Spirit, they become

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22 Cf. Mk. 16: 14; Lk. 24: 47; Jn. 20: 21; Acts 1: 8.

23 J. Kudiyruppil, “Ecclesiological Presuppositions of Ad Gentes”, *Santhome Mission*, 1998, 18.



mature Christians to dialogue with the pluralistic, multi-cultural and secular society.

## **2.6. Generously and courageously Witnessing to the Gospel**

Pope Francis emphasizes in his historical letter of 09<sup>th</sup> October 2017, “it is essential for the Catholic Church to reveal her face in all its beauty to the world, in the richness of her various traditions.” The collaboration in carrying out the mission will enable the Syro-Malabar Church to go ahead in building the Church of Christ in India by using the gift of All-India Jurisdiction effectively. By shouldering this great responsibility by the Mission eparchies, we will witness to the people at large the love of Christ. Pope Francis continues to exhort, “The path of the Catholic Church in India cannot be that of isolation and separation, but rather of respect and cooperation. ... It is in this spirit that I urge all the beloved Churches in India to be generous and courageous as they witness to the Gospel in the spirit of fraternity and mutual love.”

The vision of the Second Vatican Council is quoted again here: “Between all the parts of the Church there remains a bond of close communion whereby they share spiritual riches, apostolic workers and temporal resources. For the members of the people of God are called to share these goods in common, and of each of the Churches the words of the Apostle hold good: ‘According to the gift that each has received, administer it to one another as good stewards of the manifold grace of God’ (1 Pet 4:10)” (Lumen Gentium, 13). As Holy Father reminds us, let us “be generous and courageous” to witness to the Gospel “in the spirit of fraternity and mutual love” in order to grow in love, communion and service.

### **3. The Responsibilities Attached to the Hierarchical Autonomy**

In the erection Decree of the Eparchy of Shamshabad dated on 09<sup>th</sup> October 2017, signed by Pope Francis himself, the territory has been defined that “in the fullness of our Apostolic authority, we erect and constitute the new eparchy under the name of SHAMSHABAD, out of all the territories of India where at present the eparchial jurisdiction for the Christian faithful of the same Syro-Malabar Church is wanting... We decide that this eparchy be subject to the Major Archbishop and the Synod of the Bishops of the Syro-Malabar Church for its pastoral care.” Hence the Eparchy of Shamshabad has a vast territory excluding the territories of already existing 30 Syro-Malabar Eparchies in India.

The Major Archbishop and the Synod of the Bishops of the Syro-Malabar Church is responsible for its pastoral care and evangelization of these vast territories as Holy Father has extended the proper territory of the Major Archbishop for whole of India. The whole India, consists of 29 civil states and 8 union territories, has a total of 32,87,469 km. The Eparchy of Shamshabad is extended over 23 civil states and 3 union territories of India. This eparchy extends to an area of 21,91,508 km<sup>2</sup> which covers almost 2/3 of the total territory of India. In the given geographical territory, the Eparchy of Shamshabad is co-extensive with 87 Latin Dioceses and 2 Syro-Malankara Eparchies.

Now the challenge before the Syro-Malabar Church is to ensure effective pastoral care and evangelization in this vast territory assigned to this Eparchy. This becomes enormous due to the variety of languages, cultures, civil-political situations, extreme distances from one city to the other, etc.

### **3.1. United Efforts for Building Up the Syro-Malabar Church in India**

In the history of the Church, mobility became opportunity to spread the Good News. Christian migrants by their life and witness have been instruments of the propagation of the Gospel. The spread of the Church in every nook and corner of the world is due to the enormous missionary journeys of the sons and daughters of the Church. Being “baptized and sent”, God has ordained every migrant with a spiritual responsibility to proclaim Jesus to those who have not heard and to reawaken the dormant Christian conscience through renewed witnessing. It is desirable that the migrants keep St Paul’s words resonate in their hearts: "Woe to me if I do not preach the gospel" (1 Cor 9:16). Like St. Thomas the Apostle was sent to India, the Syro-Malabar migrants are sent out across the federal states of India. This migration is not only for their survival or economic stability but also fulfilling the mission entrusted in building up the Church globally.

The very presence of the Christian migrants among the non-Christians is a significant mode of evangelization. The Syro-Malabar Church is duty bound to help these faithful to witness creatively where they are planted. If not done, the ultimate loss is for the Church of Christ. By the power of the Holy Spirit, they become mature Christians to dialogue with the pluralistic, multi-cultural and secular society.

In order to make them effective evangelizers, making our Church active and available in the places where our people are present became an important duty of the mother Church. The new Eparchy of Shamshabad is duty bound to make arrangement for the migrants living in important cities of India assisting them to have churches, community halls or centres. For the development

of parishes, zones, regions, and missions inside India is a serious venture of the mother Church.

The migrants are in need of active and dynamic priests and religious to lead them. In order to encourage the practice of faith traditions and spirituality of the Thomas Christians in the newly organized migrant communities, the assigned pastors and the religious are to be persons with convictions and zeal for the ecclesial patrimony of the Syro-Malabar Church. They should also be trained to appreciate the evolving circumstances and cultures of the people, so that they can help the migrant communities to accommodate to the new cultural situations of the places without alienation.

### **3.2. Syro-Malabar Personnel for the Spread All-India**

The role the Bishops, Diocesan Priests, Major Superiors and members of various Religious Congregations and Societies of Apostolic Life is very significant as far as All-India Jurisdiction is concerned. In the divine providence, many consecrated men and women are spread all over India in a unique manner, now have become the forerunners of All-India Jurisdiction. Now they are either part of Syro-Malabar provinces or houses working in the Latin mission, or part of the Latin Provinces or houses. The Eparchy of Shamshabad is in a process of seeking clarity as far as their relation to the pastoral care of the migrants and evangelization of India.

Apart from the personnel, we need to think of financial resources, material and technical knowhow which are also very important for effectively carrying out the mission. Developing the practices of involving distant lay missionaries and field missionaries for the growth of migrant communities is also a need of the hour. Retired hands, youth and others, can become field missionaries to extend help in construction, education and other similar needs.

It has been observed that vocations increase in the places where the migrants are getting proper pastoral care and attention. A parish community is a fruitful womb capable of giving human and spiritual formation to the migrant children and youth. Good vocations from the migrants will help in order to give effective pastoral care, in their own language and culture. Every member of the Church especially the parents need to feel consciously the responsibility for promoting vocations from the migrants.

### **3.3. The Evolution of the Contracts and their Types**

From the very beginning of the existence of the Eparchy of Shamshabad, there were discussions about different contracts that some portions be entrusted to some other entity. The first among them was Etawah mission. There was already a contract with the Archdiocese of Agra and Archeparchy of Changanassery regarding Etawah mission. The then signed contract was with Administrative, Pastoral, and missionary Exclusive autonomy. Hence with the Eparchy of Shamshabad also the entered contract was with the same exclusive autonomy. But there was a need of other types of contracts as well. After one or two different meetings held at the Major Archiepiscopal curia, it was directed to have contracts with inclusive co-responsibility rather than having exclusive autonomy. Then onwards, we made contracts only under the title of inclusive co-responsibility. Some Eparchies in Kerala and the Consecrated men started making contracts with the Eparchy of Shamshabad. Some existing Eparchies have their territory adjacent to the territory of the Eparchy of Shamshabad. Some of them entered into contracts as extension to the adjacent territory. Whereas there was a need of making distant Mission contracts when the Eparchies from Kerala wanted to take up some missions in Shamshabad. There was also a need of taking up those missions under the title of inclusive co-responsibility with role of co-ordination and without the role of coordination.

### **3.4. The Content of the Contracts and its Significance**

The Syro-Malabar Church, rich with vocations and resources, is committed to develop with urgency the 'All-India Jurisdiction' up to the expectation of the Holy Mother Church. For this, a united work is very important sparing generously our resources. Our commitment to the pastoral care and evangelization shall be well footed on the unique ecclesial expressions such as liturgical, spiritual, theological and disciplinary patrimony along with family and cultural traditions and moral values.

In order to effectively move forward with this mission, the Synod of Bishops of the Syro-Malabar Church has given serious reflections to it and has decided to divide the whole territory of the Eparchy of Shamshabad and entrust it to various Eparchies, Men Religious Congregations and Societies of Apostolic Life who will carry out this mission in collaboration with the Women Religious and Lay Associations and Movements of the Syro-Malabar Church.

Accepting the invitation of the Eparchy of Shamshabad, the Bishops and superiors of the consecrated life have signed the contracts, mutually agreeing with the rights and obligations. All the following Missions are entrusted with signed contracts.

For the administrative coordination of the various ministries within the territory of the mission, it is agreed that the contracting entity will provide sufficient and suitable personnel for the pastoral care of the communities and for the works of evangelization aiming at the speedy development of the mission and ensuring its presence and activities to all corners of the territory.

For the Mission, the superiors can acquire properties and start mission centres and institutions. The Mission may invite any Religious Congregation or Society of Apostolic Life to the

entrusted territory for mission work. However, in order to erect houses, permissions are to be obtained.

The Mission shall see that all the personnel observe general discipline in liturgical matters. The celebration of the Holy Qurbana is to be carried out as per the directions of the Synod of Bishops. And the Bishop of Shamshabad has the right of vigilance over the liturgical matters as per CCEO can. 199 and can. 201.

In the Mission, the Bishop of Shamshabad, being the head and centre of unity of the diocesan apostolate keeps the right and obligation to direct all pastoral activity and safeguard and encourage the apostolic works of the missionaries. The relation between entities are based on mutual trust and cooperation, and shall be guided and regulated by the principles and norms of the Code of Canons of the Eastern Churches, Particular Laws of the Syro-Malabar Church, Instructions of the Synod of Bishops and Directives of the competent authority.

The contracting entity takes the responsibility for financing the works of the ministry of Evangelization and will maintain and take care of the personnel working in this mission territory. The Bishop of Shamshabad shall co-operate in finding financial resources for the missionary activities. The contract can be revoked or amended for which a process can be initiated by either of the parties and shall come into effect once signed by both the parties.

### **3.5. Portions of Shamshabad entrusted with Archeparchies and Eparchies**

#### **a. Etawah, St. Thomas Syro-Malabar Mission**

This mission has been taken up by the Archeparchy of Changanacherry, on 24 February 2018. It includes 16 civil Districts of Uttar Pradesh, such as Etawah, Mainpuri,

Farrukhabad, Aurayya, Kanauj, Shikhoabad Firozabad, Agra, Mathura, Aligarh, Badaun, Bulandshahr, Etah, Hathras, Kasganj, Kanpur Urban, Kanpur Rural.

#### **b. St. Mary's Syro Malabar Mission, Jaipur**

Again this mission has been taken up by the Archeparchy of Changanacherry, on 24 April 2019. It includes 12 Districts of Rajasthan, such as Jaipur, Alwar, Bharatpur, Dausa, Dhaulpur, Karauli, Tonk, Sawai, Madhapur, Bundi, Kota, Barn, Jhalawar.

#### **c. St. Thomas Mission, Sabarmati**

This mission has been taken up by the Eparchy of Pala, on 24 April 2019. It includes 9 Districts of Gujrat, such as Ahmedabad, Kheda, Mahisagar, Anand, Panchmahal, Dahod, Vadodara (Baroda), Chhota Udaipur, Bharuch.

#### **d. Mission of Eparchy of Rajkot**

This mission has been taken up by the Eparchy of Rajkot which is adjacent territory in the District of Gujarat on 24 April 2019. It includes 6 Districts of Gujarat and Diu Island (Union territory), such as Gandhinagar, Banaskantha, Sabarkantha, Aravallim Mehsana, Patan (Gujarat Diu Island (Union Territory)).

#### **e. Mission of Eparchy of Bhadravathi**

This mission has been taken up by the Eparchy of Bhadravathi on 24 April 2019. It includes 4 Districts of Karnataka, such as Haveri, Davangere, Chitradurga, Uttara Kannada.

#### **f. St. Paul Mission, Silchar**

This mission has been taken up by the Eparchy of Irinjalakuda, on 1 October 2019. It includes 8 districts of Tripura, 8 districts of Mizoram and 3 districts of Assam. They are Dhalai,



Sipahijala, Khowai, Gomati, Unakoti, North Tripura, South Tripura, West Tripura of Tripura; Aizwal, Kolasib, Lawngtlai, Lunglei, Mamit, Saiha, Serchhip, Champhai of Mizoram; Cahcar, Karimganj, Hailakandi of Assam.

### **g. Santa Maria Syro-Malabar Catholic Mission, Arunachal West**

This mission has been taken up by the Diocese of Idukki in Arunachal Pradesh and Assam on 22 October 2020. It includes 17 Districts of Arunachal and 1 of Assam such as Tawang, West Kameng, East Kameng, Pakke-Kessang (Kameng Division), Papum Parem Kurung Kumey, Kra Daadi, Lower Subansirim Upper Subansiri, Kamle (Subansiri Division), West Siang, East Siang, Central Siang, Upper Siang, Lower Siang, Lepa Rada, Shi-Yomi (Siang Division) of Arunachal Pradesh and Lakhimpur of Assam.

### **h. St. Euphrasia Mission, Vishakapattanam**

This mission has been taken up by the Archdiocese of Trichur on 29th August 2022. It includes 13 Districts of Andhra Pradesh such as Srikakulam, Vizianagaram, Parvathipuram-Manyam Dt, Alluri Sitharama Raju Dt., Visakhapatnam, Anakapalli, Kakinada, Konaseema, East Godavari, West Godavari, Eluru, Krishna, NTR District.

## **3.6. Portions of Shamshabad Entrusted with the Consecrated Men**

### **a. St. Joseph's Mission, Orissa**

This mission has been taken up by the MST Generalate on 21 November 2019. It includes 24 Districts of Orissa with inclusive collaboration with role of coordination such as Angul, Balangir, Balasore, Bargarh, Bhadrak, Boudh, Cuttack, Deogarh, Dhenkanal, Gajapati, Ganjam, Jagatsinghpur, Jajpur, Jharsuguda,

Kandhamal, Kendrapara, Keonjhar, Khordha, Mayurbhanj, Nayagarh, Puri, Sambalpur, Subarnapur, Sundargarh.

Similarly, the MST Generalate on the same day has taken up 6 Districts of Orissa with inclusive collaboration only, such as Nabarangpur, Rayagada, Koraput, Nuapada, Kalahandi, Malkangiri in Orissa.

#### **b. St. Thomas Mission, Kurnool**

This mission has been taken up by the MST St. Thomas Mission, Mandya Region, on 21 November 2019. It includes 7 Districts of Andhra Pradesh such as Kurnool, Anantpur, Cuddapah, Chittoor, Prakasam, Nellore, Guntur.

#### **c. St. Paul's Mission, Madhya Pradesh**

This mission has been taken up by the MST St. Paul's Mission, Ujjain Region on 21 November 2019. It includes 15 civil districts of Madhya Pradesh such as Jhabua, Alirajpur, Ratlam, Mandsaur, Neemuch, Dewas, Indore, Dhar, Bhopal, Sehore, Hoshangabad, Betul, Chindawara, Seoni, Balghat.

#### **d. St. Alphosa Mission, Goa**

This mission has been taken up by the MST St. Alphonsa Mission, Sangli Region, on 21 November 2019, It includes the entire federal state of Goa which has 2 districts and 4 districts of Karnataka such as South Goa and North Goa and Belgaum, Bagalkot, Raichur, Bijapur (North Western Karnataka) of Karnataka.

#### **e. Dharma Nikethan, West Bengal Sub-Region.**

This mission has been taken up by the CMI, St. Joseph's Province, Thiruvananthapuram on 20 February 2020. It includes 16 civil districts of West Bengal such as Alipurduar Bankura, Bardhaman, Birbhum, Darjiling, Howrah, Jalpaiguri, Jhargram,

Cooch Behar, Kolkata, Malda, North Twenty Four Parganas, Paschim Medinipur, Purba Medinipur, Puruliya, South Twenty Four Parganas.

#### **f. Little Flower Mission, Bihar**

This mission has been taken up by the CST Little Flower Province, Gorakhpur on 8 September 2020. It includes the entire Federal States of Bihar and Jharkand.

#### **g. Mission in Odisha**

This mission has been taken up by the CMI Nirmal Province, Jagadapur 26 May 2022, one District of Odisha, called Nowrangpur.

### **3.7. Other Missions in Shamshabad without Contracts**

There are some of the missions already existing within the territory of the Eparchy of Shamshabad but with those Contracts already existed with Latin Hierarchy or the Contracts in Formation with the Eparchy of Shamshabad.

## **4. The Reorganization of the Territories of the Eparchy of Shamshabad**

The Synod of Bishops of the Syro-Malabar Church has also taken keen interest in reorganizing the territory of the Eparchy of Shamshabad in a stable manner, entrusting portions of Eparchy of Shamshabad to the other mission eparchies. In fact, reorganization of the territory should be one of the most effective and practical way out to spread out the mission as early as possible. In the present circumstances, this would avoid the difficulty of erecting new ecclesiastical circumscriptions.

Soon after the erection of the Eparchy of Shamshabad, in the Synod of Bishops of January 2018, Bishop Raphael Thattil presented some practical suggestions regarding the reorganization

of the territory in the above said line. The Synod in general agreed to the proposal and endorsed the Bishop of Shamshabad to begin the consultations with the concerned Bishops individually to know their suggestions and bring concrete proposals to the next synod. After knowing and evaluating the situations, the preliminary concepts were presented to the sessions of the XXVII Synod held in January and August 2019.

During the *ad limina* visit, this matter was presented and discussed with the authorities of the Congregation for the Oriental Churches in the meeting held on 08th October 2019 at *Casa Bonus Pastor*, Rome, to which the officials of the Congregation for the Oriental Churches responded positively.

In continuation to the *ad limina* visit and in preparation for the upcoming session of the Synod, the Major Archbishop convoked a meeting of the concerned Bishops on 06th January 2020. This meeting discussed the concrete plans presented by the Eparchy of Shamshabad. In principle, the meeting decided to present the draft in the Synod. On 14th January 2020, the concrete proposals were presented and after discussions at length the Synod decided to accept the proposals.

On 26<sup>th</sup> February 2020, from the Bishop's office of Shamshabad, we had written to all the concerned Bishops with the concrete proposal for the reorganization of the territory along with maps of the proposed reorganization in order that they discuss in their respective competent forums and give their approval for the proposal. We have obtained non-objection in writing from all the concerned Bishops regarding the same.

And hence, the final text of our concrete proposals together with the maps for the reorganization is submitted to the Major Archbishop now for the consideration of the Apostolic See for a positive decision.

#### **4.1. Principles and Values used for the Reorganization of the Territory**

We have used the following principles for the reorganization of the territory: (1) Geographical vicinity. (2) Linguistic and cultural similarity. (3) Civil and political situations. (4) Same Federal State as far as possible. (5) Actualization of All-India Jurisdiction more concretely in every corner of the country. (6) Ensuring effective pastoral care and evangelization in the entire territory. (7) Collaboration of the whole Church for the actualization of All-India Jurisdiction.

A concrete proposal for the reorganization of the territory of the eleven Syro-Malabar Eparchies has been submitted to the higher authorities in July 2020. If this proposal for the reorganization of the territories is accepted, we presume that the territory of the Eparchy of Shamshabad would be reduced to 1/3 of India.

#### **4.2. Eparchy of Shamshabad: Present Territorial Layout**

The Eparchy of Shamshabad is exclusively present in the following 15 federal states such as (1) Andhra Pradesh, (2) Goa, (3) Rajasthan, (4) Odisha, (5) Bihar, (6) Jharkhand, (7) West Bengal, (8) Meghalaya, (9) Mizoram, (10) Manipur, (11) Nagaland, (12) Tripura, (13) Sikkim, (14) Assam and (15) Arunachal Pradesh.

The Eparchy of Shamshabad coexists with other Syro-Malabar Eparchies in the following 8 federal States such as (1) Telangana (coexists with Adilabad); (2) Karnataka (coexists with Belthangady, BHADRAVATHI, Mandya); (3) Maharashtra (coexists with Chandha and Kalyan); (4) Gujarat (coexists with Rajkot); (5) Madhya Pradesh (coexists with Sagar, Satna and Ujjain); (6) Chhattisgarh (coexists with Jagdalpur); (7) Uttar

Pradesh (coexists with Bijnor, Gorakhpur and Faridabad) and (8) Uttarakhand (coexists with Bijnor).

Similarly, the Eparchy is exclusively present in 3 Union Territories: (1) Dadra and Nagar Haveli and Daman and Diu; (2) Lakshadweep; (3) Andaman and Nicobar Islands.

#### **4.3. States and Union Territories Included in the Reorganization**

The following 6 federal states are fully included in the reorganization of the territory such as (1) Karnataka, (2) Goa, (3) Maharashtra, (4) Madhya Pradesh, (5) Chhattisgarh and (6) Uttarakhand and a portion of the Union Territory of Diu Island. On the other hand, 3 federal states are partially included in the reorganization of the territory such as (1) Telangana, (2) Gujarat and (3) Uttar Pradesh.

#### **4.4. Eparchy of Shamshabad: Territorial Layout after the Reorganization**

After the reorganization of the territory, the following 14 federal states will be still fully part of the Eparchy of Shamshabad such as (1) Andhra Pradesh, (2) Rajasthan, (3) Bihar, (4) Jharkhand, (5) Odisha, (6) West Bengal, (7) Sikkim, (8) Meghalaya, (9) Assam, (10) Tripura, (11) Mizoram, (12) Manipur, (13) Nagaland and (14) Arunachal Pradesh. Similarly, the following 3 union territories are also part of the Eparchy such as Dadra and Nagar Haveli and Daman; Lakshadweep; Andaman and Nicobar Islands.

On the other hand, in the following 3 federal states still the Eparchy of Shamshabad coexists with other Syro-Malabar Eparchies such as (1) Telangana (coexists with Adilabad); (2) Gujarat (coexists with Rajkot); (3) Uttar Pradesh (coexists with Bijnor, Gorakhpur and Faridabad).

## CONCLUSION

The Holy Father Pope Francis wants us to know deep in our heart, “the presence of several bishops of the various *sui iuris* Churches in the same territory will surely offer an eloquent witness to a vibrant and marvellous communion”. Restoration of the All-India Jurisdiction of the Syro-Malabar Church and extension of the territory of the Major Archbishop “in no way be perceived as a growth in power and domination, but as a call to deeper communion....” Multi-jurisdiction (in the case of India, triple jurisdiction) is not a hindrance or cause for unhealthy competition but an opportunity for evangelization and mutual collaboration.

Now all the Eparchies in India including those created for the Mission work and those created for the pastoral care of the migrants, all of them are under the Synod of the Syro-Malabar Church and the Major Archbishop. All these eparchies are dependent on the hierarchical autonomy of the Syro-Malabar Church envisaged by the Code of Canons of the Oriental Churches.







# The Prospects for Hierarchical Perfection of the Syro-Malabar Church

James Puliurumpil\*

## Introduction

India can be rightly called the See of St Thomas, as Rome and Antioch the Sees of St Peter. If the Churches founded by other apostles have later become metropolitan churches of higher rank or patriarchates the Church founded by St Thomas in India, though it had a different destiny in the medieval and modern period, should also have the right to hold the same rank. There are many patriarchates today both in the Catholic and non-Catholic churches. In the Latin Church, when patriarchate is titular, in the Eastern Churches of the Alexandrian, Antiochean, Chaldean and Armenian traditions it is functional. In this article we give a survey of the hierarchical evolution in the Syro-Malabar Church. The patriarchal status is visualized as the natural and final stage of evolution of hierarchy in the Syro-Malabar Major Archiepiscopal Church. The theme is divided under five heads:

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1. A Metropolitan Church in the medieval period, 2. Becomes autonomous with limited jurisdiction in the nineteenth century, 3. Towards hierarchical perfection in the twentieth century, 4. Establishing Jurisdiction all over India and 5. The scope of achieving hierarchical perfection.

## **1. A metropolitan Church in the medieval period**

### **1.1. India, the 'See of St Thomas'**

All the Portuguese, Chaldean and Roman documents testify that India is the 'See of St Thomas' and Thomas is the 'Apostle of India'. Odericus Vitalis writes in *Ecclesiastical History* 'ibi sedes est Thomae Apostoli, fidesque Catholica usque ad hodiernam diem'.<sup>1</sup> Pope Leo XIII constituting Latin hierarchy in India writes in the Apostolic letter *Humanae salutis*, issued on 1 September 1886: 'It has always been the tradition of the Church that the task of apostolic ministry in the vast regions of India fell on Thomas.'<sup>2</sup> Pope Pius XI erecting the Syro-Malabar hierarchy writes in the Apostolic Constitution issued on 21 December 1923: 'This Church attains a noble place among the Oriental Churches because of its origin from the most ancient Christian communities which received the light of the Gospel from Apostle Thomas'.<sup>3</sup> Syro-Malabar Church, though the title is of late origin (first used in the apostolic letter of Leo XIII *Quod iampridem* of 20 May, 1887 erecting the first two vicariates of Kottayam and Trichur) the historical, patristic, liturgical, archaeological and circumstantial evidences corroborate that this Church has origin from the very beginning of Christianity. The ever appellation *Marthoma Nazranis* or St Thomas Christians is a proof that this Church owes its origin to Apostle Thomas. The Apostolic

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1 Cfr. Zaleski, *The Saints of India*, Mangalore 1915, 144.

2 *Acta Leonis* vol. IV, ad annum 1886.

3 AAS XVI [1924] 257-262.

Constitution titled *Romani Pontifices* issued on 21 December 1923 erecting Syro-Malabar Hierarchy testifies: The Christian faithful of that region had always been called ‘the Christians of St Thomas’; this appellation is attributed only to them in India ...<sup>4</sup>

The tomb of St Thomas at Mylapore/Chennai in the San Thome Basilica on the Coromandal Coast, in Tamil Nadu, is the ever living proof for the apostolic origin of this Church. Pope Paul V, erecting the diocese of Mylapore writes in the *Bull Hodie Sanctissimus* issued on 9 January 1606: ‘For, here was buried the body of Apostle Thomas’.<sup>5</sup> The visit of the Alexandrian scholar Panthenus in India in 189<sup>6</sup> corroborates to this fact. St John Paul II visiting Mylapore in 1986 said: ‘According to tradition, at this very place, which is now called St Thomas Mount, the great apostle of India fulfilled his own exhortation.’<sup>7</sup>

## **1.2. A metropolitan Church dependant on the Chaldean Patriarch**

The Church of St Thomas Christians in the medieval period was dependent on the Church of the East/Chaldean Church in the Persian Empire. The channel of Persian ecclesiastical authority in India was the diocese of Rew-Ardshir (Fars). Patriarch Isoyahb III (649-660) terminated the jurisdiction of the metropolitan of

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4 AAS XVI [1924] 257-262.

5 *Bullarium Patronatus Portogalliae*, tom. II, 3

6 Jerome, *De Viris Illustribus* 36 and Eusebius, *Historia Ecclesiastica* V, the ancient Syriac work *Acts of Thomas* written in the first half of the third century, the numerous patristic writings (Origen in *Commentary on Genesis*, Gregory Nazianzen, in *Contro Arianos* in PG 26, Jerome in several books in PL XIV, PL XXII, PL XXIII, John Chrysostom in PG LIX, PG VI, Clement of Alexandria *Stromato* IV, Isidore of Seville PL 82, St Ephrem, *Carmina Nisibena* 42, *Madrasha* II, III, *Hymni Dispersi* V, VI, VII.

7 *Insegnamento di Giovanni Paolo II*, vol. IX, 1 Vatican 1986, 325.

Rew-Ardshir and constituted the Indian Church an autonomous metropolitan church directly under Catholicos-Patriarch. The Patriarch of the Church of the East was the canonical head of the Church of St Thomas Christians. His role was practically limited to the appointment and consecration of the Indian metropolitan.<sup>8</sup> It was Patriarch Timothy I (778-782) who made the Indian Church fully independent from Rew-Ardshir and fully under the Patriarch. In one of his letters written to the monks of St Maron, Patriarch Timothy clearly referred to his jurisdiction over India.<sup>9</sup> In 1553 during the confirmation of John Sulaqa as patriarch of Mosul by Pope Julius III in the bull of confirmation *Divina disponente clementia* pope explicitly acknowledged and confirmed the ‘all India jurisdiction’ of the Chaldean patriarch in the following words: ... and also India which also is subject to the same patriarch.<sup>10</sup>

Though the Indian Church was dependent on the Church of the East, and followed the East Syrian Liturgy, the Indian Church remained a separate, distinct church headed by a ‘metropolitan of all India’, [*metropolitan du kol Hendo*] or ‘Metropolitan and Gate of All India.’<sup>11</sup> In a document conserved in the Vatican library, written at Kodungalloor by Mar Jacob in 1301, gives the title as: ‘metropolitan bishop’, ‘prelate of the Holy See of Apostle Thomas and the Holy Church of all Christians in India.’<sup>12</sup> The first Latin bishops in Angamaly Francis Roz and Stephen Britto were also using the title ‘Archbishop of India’ and the last Persian bishop Mar Abraham was always using

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8 Card. Eugene Tisserant, *Eastern Christianity in India*, trans. by Hambye E. R., Calcutta 1957, 30.

9 Giamil, *Genuinae Relationes*, Romae 1902, 62.

10 Giamil, *Genuinae Relationes*, Romae 1902, 18.

11 Paulinus of St Bartholomew, *India Orientalis Christiana*, Romae 1794, 88.

12 Assemani J. S., *Bibliotheca Orientalis*, vol. II, Roma 1725, 540.

the same title ‘metropolitan of all India’.<sup>13</sup> Mylapore, Kollam and later Kodungalloor were the seats of ‘metropolitan of all India’. The patriarch was only a figure head and the metropolitan coming from Persia a spiritual head. The real administrator of the church was the archdeacon (known in different titles like: ‘archdeacon of all India’, ‘administrator of India’, *georgius archidiaconus vicarius apostolicus et gubernator diocesis angamalensis*<sup>14</sup> assisted by the Palliyogam, a system particular to the St Thomas Christians. The Indian Church was neither a ramification or offshoot, nor a daughter church of the Persian Church. Due to various ecclesiastical and canonical reasons this Church entered into communion with the Chaldean patriarch but without jeopardizing her autonomy and particular administrative and organizational structures.

### **1.3 Loss of autonomy, all India jurisdiction and archiepiscopal status in the modern period**

In the place of the one metropolitan see of St Thomas Christians which included the whole of India in the medieval period during the Portuguese period starting from 1500, India was divided between the four Padroado dioceses of Goa (1534), Kochi (1558), Angamaly (1600) and Mylapore (1606). Consequent to the Synod of Diamper of 1599, the all-India metropolitan church of St Thomas Christians was reduced to a small diocese called Angamaly restricted to a small region in Kerala as suffragan to the archdiocese of Goa. We read in the bull of erection of Angamaly for the St Thomas Christians *In supremo militantis* of Clement VIII of 4 August of 1600: ‘.... suppressed and extinguished in perpetuity the name and title of archbishop and metropolitan church as well as the archiepiscopal seat ...

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13 Giamil, *Genuinae Relationes*, Romae 1902, 99.

14 Beltrami G., *La Chiesa Chaldea nel secolo dell’ unione*, Roma 1933, 25.

reduced that same church to be the status of a simple cathedral Church of one bishop, to be in future, suffragan of the archbishop for the time being of Goa and have subjected to the metropolitan authority of the Church of Goa...'.<sup>15</sup> With the apostolic letter *Romanus Pontifex*<sup>16</sup> of 22 December 1608, the see of Angamaly was liberated from the metropolitan right of the archdiocese of Goa and re-established its metropolitan status with all rights and privileges as if it had not been suppressed and it was decided to transfer the metropolitan see to Kodungalloor. Through the bulls *Cum nobis*<sup>17</sup> of 3 December 1609 and *Alias postquam*<sup>18</sup> of 6 February 1616 of Paul V the territory of the Church of St Thomas Christians was reduced, the boundaries of the dioceses were fixed and Angamaly of St Thomas Christians together with Kochi and Mylapore was formed one Portuguese ecclesiastical territory in India under Goa. With the introduction of Propaganda rule in India in 1657 the one community of St Thomas Christians was divided under the two Catholic jurisdictions of Padroado and Propaganda.

#### **1.4. The rise and fall of Kodungalloor, the metropolitan See of St Thomas Christians**

##### **1.4.1. The suppression of Kodungalloor in 1838**

With the apostolic letter *Multa Praeclare*<sup>19</sup> of 24 April 1838 Pope Gregory XVI suppressed the Portuguese Padroado jurisdiction in India and China except in the archdiocese of Goa and granted all the vicars apostolic exclusive and proper jurisdiction

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15 *Bullarium Patronatus Portugalliae*, tom I, 260-261.

16 See this document in *Bullarium Patronatus Portugalliae*, tom 1, 148-152.

17 See this document in *Bullarium Patronatus Portugalliae*, tom 2, 12-15.

18 See this document in *Bullarium Patronatus Portugalliae*, tom 2, 26-27.

19 See the document in *Iuris Pontificii de Propaganda Fide*, vol. V, 164-168.

over their territories. The archdiocese of Kodungalloor, the ancient see of the St Thomas Christians, was of Portuguese Padroado jurisdiction and hence it was also suppressed together with the Padroado diocese of Kochi. All the Christian faithful of these dioceses, both St Thomas Christians and Latins were ordered to become members of the vicariate apostolic of Malabar (Varapuzha). Thus the St Thomas Christians, who were divided under two conflicting jurisdictions of Padroado and Propaganda, again came under one Latin bishop.

#### **1.4.2. Re-establishment of Kodungalloor as an archdiocese in 1860**

According to a concordat of 21 February 1857 the Portuguese Crown was allowed to continue the exercise of the rights of patronage in India and in China. The treaty was ratified on 6 February 1860 and was published on 30 May 1860. The concordat confirmed the Portuguese patronage in the metropolitan see of Goa and re-established the Portuguese dioceses of Kodungalloor, Kochi, Mylapore and Malacca, which together formed the ecclesiastical province of Goa. The concordat even recognized the right of Portugal to constitute new dioceses under its patronage. Thus the Portuguese royal patronage was fully re-established with all its rights and privileges, as if it had not been suppressed. In fact, the aforementioned four Portuguese dioceses covered the whole of India and hence there was no territory free.

#### **1.4.3. The title of the archdiocese of Kodungalloor goes to the bishop of Daman**

Another concordat was signed on 23 June 1886<sup>20</sup> by Pope Leo XIII and the Portuguese King Don Luis I to foster and promote the greater progress of Christianity in India.

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20 See the document in *Acta Sanctae Sedis* 19 (1886) 185-189.

In accordance with the resolutions of this new concordat Portuguese Padroado was suppressed, Latin hierarchy in India was established under the Propaganda Fide and the archbishop of Goa was elevated to the dignity of patriarch *ad honorem* of the East Indies. Daman [Damao], a new diocese was erected to form part of the ecclesiastical province of Goa. The St Thomas Christians' archdiocese of Kodungalloor was suppressed and its title was granted to Daman. Thus the bishop of Daman got the title of archbishop of Kodungalloor. The main advantage of this concordat was that the territorial boundaries of the four Padroado dioceses (Goa, Daman, Kochi and Mylapore) were determined in such a way that the rest of the territory remained outside the Padroado jurisdiction. In such territories of the East Indies, the Holy See would enjoy complete liberty to erect dioceses, nominate bishops and to determine other matters opportune for the good of the faithful.

#### **1.4.4. The title of Kodungalloor, the ancient see of St Thomas Christians, goes to Goa**

Another concordat<sup>21</sup> was concluded between the Holy See and Portugal on 15 April 1928. According to this concordat the archdiocese of Goa, which maintained the patriarchal title, was enlarged by the addition of the Portuguese possession of the diocese of Daman (which was suppressed) and by the addition of the island of Diu on the coast of Kathiavar. The archbishop thus began to be called archbishop of Goa and Daman. Thus the title of Kodungalloor which had been used by the bishop of Daman till its suppression (1886-1928), now has passed to the archbishop of Goa.

Thus with the final suppression of Padroado in 1886 Kodungalloor, the age-old metropolitan see of St Thomas Christians, was given to Damao, and in 1928 to Goa. The

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21 This concordat titled *Conventio Inter Sanctam Sedem et Rempublicam Lusitaniae*, in *Acta Apostolica Sedis* 20 (1928), 129-133.



end result was the loss of autonomy, all-India jurisdiction, the metropolitan status and also the loss of the famous age-old metropolitan see of Kodungalloor.

## **2. Syro-Malabar Church becomes autonomous with limited jurisdiction in the nineteenth century**

### **2.1. Separate vicariates for the Syro-Malabar Church**

In the General Meeting of Propaganda of 20 December 1886 the cardinals discussed the measures to be adopted for the Syrian Catholics of Malabar, following the erection of the Latin hierarchy in India. The mind of the cardinals in the General Meeting was affirmative about the separation of the Malabarians of the Suriani rite from the Latins; and having made the ritual or territorial division, let one or two apostolic vicariates be erected to be entrusted to Latin bishops who should appoint Syrian Catholic vicar generals and elect four other priests from the rite and people, whose counsel is to be made use of in all the ecclesiastical affairs.<sup>22</sup> The same General Meeting of Propaganda also took important decisions concerning the relationship of the Suriani Catholics with the Chaldean Catholic patriarch and the jurisdiction of the Carmelite missionaries over them. In accordance with the resolution of the Propaganda Congregation and the opinion of the assembly of bishops in Bangalore held on 25 January 1887, through the apostolic letter *Quod iampridem* of 20 May 1887, Pope Leo XIII separated the Eastern Christians from the Latin Christians of the archdiocese of Varapuzha and constituted for them two Syro-Malabar vicariates, as the first step towards autonomy, where we read: ‘in order to reward their faith, obedience and devotion to the Apostolic See in a better possible manner ...’<sup>23</sup>

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22 P. Pallath, *The Catholic Church in India*, Rome 2005, 118.

23 *Leonis XIII, Pontificis Maximi Acta*, vol. VII, Romae 1888, 106.

*The Apostolic letter Quod iampridem*

What had long been the wish of our predecessors, namely the constitution of an ecclesiastical hierarchy in the East Indies, we have undertaken to accomplish in virtue of the apostolic office, which albeit unworthy we exercise. After we had executed this with the apostolic letter *Humanae salutis auctor*, given on 1 September last year, in our solicitude for all the churches divinely committed to us, we wish to have particular care of the Catholics of the Syro-Malabar rite, in this matter following carefully in the footsteps of our same predecessors, who left nothing undone in order that the faithful of the aforesaid rite dwelling in those regions, might be brought back to Catholic truth and unity and that they might not permit themselves to be separated from it afterwards by any effort of heretical and schismatic perversity. Wherefore, in order to reward their faith, obedience and devotion to the Apostolic See in a better possible manner than the circumstances of things permitted and in order that the true Church of Christ may increase among them day by day, after asking and obtaining the consent of the archbishops and bishops of central and southern India, collegially assembled in the city of Bangalore, presided over by our venerable brother the apostolic delegate of the East Indies and the opinion of our venerable brothers the Cardinals of the Holy Roman Church, appointed for the affairs of Oriental rite at the Congregation for the Propagation of the Faith, we have decided to establish what follows. And thus by our own initiative (*motu proprio*), with a sure knowledge and after mature deliberation, by force of the present letter we order that, after a ritual separation of the Syro-Malabar Catholics has been made from the Latin Christians, two vicariates apostolic be constituted for them to be committed to Latin bishops, who should each appoint a Syro-Malabar

vicar general to whom should be given the privilege of exercising in his own rite the pontifical ceremonies, and of conferring the sacrament of Confirmation, with chrism nevertheless consecrated by a bishop; and they shall choose four ecclesiastics of the same nation and rite and shall avail themselves of their advice in all ecclesiastical affairs. Moreover, we order that the territorial division of the said vicariates apostolic be made according to the natural boundaries of the river Alwaye which from the town of Malayattor divides the region of Malabar till it flows in to the sea near the town of Cochin, so that the first vicariate is of the north with the ordinary residence of the vicar apostolic in the city of Trichur, from which city it will take its name; the second will be in the south with the ordinary residence in the city of Kottayam from which it will derive its name. We decree that this present letter is and will always be firm, valid and efficacious and that it will obtain and maintain full and complete effect and will provide the fullest support in all things and in every respect for those whom it concerns or will concern at any time in the future, and it would be null and void if anyone should presume to do otherwise over these decisions by any authority, knowingly or unknowingly. Notwithstanding apostolic constitutions and ordinances, including those of our predecessor Benedict XIV of happy memory concerning the division of the matters and other things, even if deserving special and particular mention and derogation and whosoever doing the contrary. Yet we wish that the same credit, which would be accorded to this letter itself, if it were displayed or exhibited, shall be bestowed on the transcriptions of the present letter, even printed ones, signed by a public notary and sealed by a person constituted in an ecclesiastical dignity.

Given in Rome, at St. Peter's under the seal of the Fisherman on 20 May 1887, the tenth year of our pontificate.<sup>24</sup>

Within ten years the number of vicariates was raised to three and native bishops were appointed in the same. We read in *Quae rei sacrae* the apostolic letter of Pope Leo XIII erecting the three vicariates in 1896: ... Now indeed, especially given the number of the faithful and having considered the particular circumstances of the places and the peoples, since it seemed to us very opportune to constitute three vicariates apostolic for the Syro-Malabar people, in order to provide more adequately for the spiritual benefit of the faithful of those regions, after we had examined by careful and sedulous study all things of importance together with our venerable brothers of the Oriental rite at the Congregation for the Propagation of Faith, in decreeing what follows in accordance with the favourable opinion of our same brothers, we judged that a new proof of our benevolence towards the Syro-Malabar Church should be manifested. Hence, by our own initiative, with a sure knowledge and after mature deliberation from the fullness of our apostolic power, by force of the present letter, after effecting a new division of the entire region, we constitute three vicariates apostolic immediately dependent on the Holy See for the Syro-Malabarians.<sup>25</sup>

## **2.2. Establishment of Syro-Malabar hierarchy**

When Pope Benedict XV erected the 'Sacred Congregation for the Oriental Churches' with the motu proprio *Dei providentis* of 1 May 1917 the Syro-Malabar Church came under its authority. This indicates that even after three centuries of Latin governance this Church was recognized an Oriental Church.

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24 See this Apostolic letter *Quod iampridem in Leonis XIII, Pontificis Maximi Acta*, vol. VII, Romae 1888, 106-108.

25 See the apostolic constitution *Quae rei sacrae in Leonis XIII, Pontificis Maximi Acta*, vol. XVI, 1897, 229-232.

Following the appointment of native bishops, the Syro-Malabar Church made marvellous progress in the number of faithful, spiritual life, priestly and religious vocations, as well as in the social, charitable and educational fields. After considering the progress of the Church, upon the recommendation of the Sacred Congregation for the Oriental Churches, by the apostolic constitution *Romani pontifices*<sup>26</sup> of 21 December 1923 Pope Pius XI established the Syro-Malabar hierarchy. The papal document establishing the Syro-Malabar hierarchy underlined the motives for granting a stable hierarchy: able administration of indigenous prelates, high moral life, singular devotion of the Syro-Malabar Christian faithful towards the Blessed Virgin Mary as well as deep reverence for the clergy, bishops and the apostolic See.<sup>27</sup> We read: The Roman Pontiffs willingly permitted each individual church to preserve its own rite and liturgy, always loved the Oriental Churches with a particular affection ... this Church holds a noble position among the Oriental Churches because it traces its origin back to the most ancient Christian communities which received the light of the Gospel from the apostle Thomas ...<sup>28</sup>

The hierarchy of the Syro-Malabar Church was not constituted in the manner of an Eastern hierarchy with a common head (patriarch, catholicos or major archbishop) and a synod of bishops, consonant with the sacred canons and authentic Eastern traditions, but as a metropolitan province in accordance with the Latin *Code of Canon Law* of 1917. Like the other metropolitan provinces of the Latin Church, this Church in 1923 remained a province directly dependent on the Holy See. Although the new Syro-Malabar hierarchy remained *de jure* Oriental, in its form and hierarchical grades of order and jurisdiction it was

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26 See this document in *Acta Apostolica Sedis* 7 (1924), 257-262.

27 *Romani pontifices*, *Acta Apostolica Sedis* 7 (1924) 260.

28 *Romani pontifices*, *Acta Apostolica Sedis* 7 (1924) 257.

similar to the Latin hierarchy, and as in the Latin Church the Roman Pontiff directly appointed the metropolitan and the bishops. The metropolitan had to receive the pallium of the Roman Church. Practically, the metropolitan and the bishops had all rights, privileges and obligations prescribed in the Latin Code.<sup>29</sup> The erection of an indigenous hierarchy contributed to the phenomenal growth of the Syro-Malabar Church.<sup>30</sup>

### **2.2.1. Further extension and a second ecclesiastical province**

Until the 16th century the 'Metropolitan of all India' had jurisdiction over the St Thomas Christians in the whole of India. When, in 1610 archbishop Menezes determined the territory of the archdiocese of Kodungalloor (Angamaly) with respect to the dioceses of Goa, Kochi and Mylapore, the territory of the ancient see of St Thomas Christians was practically limited to a small part of Malabar. Even then the archbishop of Kodungalloor had jurisdiction in some parts of the present states of Tamil Nadu and Karnataka. When two vicariates were constituted for the SMC in 1887 the territory was determined as the two sides of the Aluva river, without any indication of the external boundaries, which were precisely determined only with the creation of the three vicariates in 1896. In order to cater for the spiritual needs of the faithful outside the proper territory and to foster the missionary activities of the Syro-Malabar Church in the proper rite the Congregation for the Oriental Churches considerably extended the territory of this Church through four decrees issuing on 25 April 1955.<sup>31</sup> The next step for the progress and advancement

29 See V. Vithayathil, *The Origin and Progress of Syro-Malabar Hierarchy* (Kottayam 1980) 76-78.

30 Consequently, Pope Pius XII erected three more dioceses for the SMC: Pala in 1950, Tellicherry in 1953 and Kothamangalam in 1956.

31 *Multorum Fidelium in Acta Apostolicae Sedis* 47 (1955), 784-785; *Pro fidelibus in Acta Apostolicae Sedis* 47 (1955), 786-787; *Saepe fideles in*

of the Church was the establishment of a new ecclesiastical province.<sup>32</sup>

Thus, from this time, the Syro-Malabar Church began to be governed by two independent metropolitans, who directly depended on the Holy See. Hence, these two provinces, directly subjected to the Holy See, functioned like the other metropolitan provinces of the Latin Church, without a common head and a synod of bishops in accordance with the authentic Eastern tradition. The hierarchical structure of this Church was not compatible with any of the three forms of the Eastern Churches envisaged in *Cleri sanctitati*. However, the only possibility was to number it among the metropolitan churches. In fact, the figure of the quasi-autonomous metropolitan Churches was invented only to accommodate those ecclesiastical provinces erected by the Holy See outside the territory of the patriarchal Churches for the pastoral care of emigrants. Moreover, the juridical figure of the metropolitan Church was suitable for small Christian communities which came into full communion with Catholic Church and which existed as a single metropolitan province.

But the Syro-Malabar Church, which was divided into two provinces under two equal metropolitans, without a common hierarchical head, within its own territorial boundaries, was in truth not compatible with the juridical figure of the autonomous metropolitan provinces constituted outside the territory of a particular or archiepiscopal Church, envisioned in *Cleri*

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*Acta Apostolicae Sedis* 47 (1955), 787-788 and *Suddistica gens in Acta Apostolicae Sedis* 47 (1955), 785-786.

32 The establishment of a new ecclesiastical province of Changanacherry with Changanacherry as the metropolitan see and Pala and Kottayam as suffragans. Pope Pius XII decided to do so on 29 March 1956, but which became a reality on 10 January 1959 with Pope John XXIII with the apostolic constitution *Regnum Caelorum*. See this document in *Acta Apostolicae Sedis* 51 (1959), 580-581.

*Sanctitati*. At the same time the canons concerning the patriarchal or major archiepiscopal Churches with synodal governance could not have been applied to the Syro-Malabar Church, since the hierarchical status of this Church was not upgraded to make it fit to the juridical figure of those kinds of Churches. Hence the only possibility was to consider this Church as two independent metropolitan provinces directly under the Roman Pontiff, in the manner of the ecclesiastical provinces of the Latin Church, if the canons of *Cleri Sanctitati* had to be applied to it. In fact, no real change occurred with regard to the hierarchical structure and juridical status of this Church with the promulgation of the Eastern legislation. The two metropolitan provinces functioned under two independent metropolitans just as those of the Latin Church and they never exercised any special powers in accordance with the Eastern law over their suffragans.

### **3. Towards hierarchical perfection in the twentieth century**

Pope John Paul II with the constitution *Sacri canones* promulgated the Code of Canons of the Eastern Churches on 18 October 1990. The new Eastern Code clearly defined the status and relative autonomy of the three kinds or grades of Churches that already existed in *Cleri sanctitati*: patriarchal Churches, (major) archiepiscopal Churches and metropolitan Churches. The Code introduced the juridical figure of another lower grade of Churches, namely the so-called ‘other Churches *sui juris*’ in order to accommodate small Christian communities which entered into full communion with the Catholic Church. After the promulgation of the Code, all the Eastern Catholic churches had to conform to one of the four forms or grades of *sui juris* Churches envisaged in it.



### 3.1. Hierarchical irregularity of the Syro-Malabar Church

At the time of the promulgation of the new Eastern Code in 1990 the Syro-Malabar Church existed as two independent metropolitan provinces directly depended upon the Holy See like the provinces of the Latin Church. That time the Syro-Malabar Church had 21 eparchies. 12 eparchies were within the delimited territorial boundaries of this Church. Eight mission eparchies and the eparchy of Kalyan for the migrants were considered suffragans of the Latin archdioceses of the place. This Church had no common 'father and head', who had jurisdiction over the whole Church. The Syro-Malabar Bishops' Conference, constituted in the manner of the regional bishops' conference of the Latin Church, was a mere consultative body, which had no legislative, judicial, electoral or administrative powers.

The hybrid and anomalous juridical situation of the Syro-Malabar Church, namely an Eastern Church with a Latin hierarchical structure, gained the attention of the Commission *De Ecclesiis Orientalibus* of the Vatican Council II and the Pontifical Commission for the Revision of the Eastern Canon Law. But no decision was made to provide this Church with an Eastern hierarchical structure. However, it was evident that an intervention of the supreme authority of the Church, restructuring the Syro-Malabar Church in accordance with the juridical figure of the patriarchal or major archiepiscopal Churches, envisioned in the new Code was necessary to solve the peculiar juridical situation of this Church.<sup>33</sup>

It was only after the promulgation of the new Code that the Holy See gradually initiated procedures to rectify the hierarchical irregularity of the SMC. Finally, on 16 December 1992 by the

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33 See for details J. Puliurumpil, *History of the Syro-Malabar Church*, OIRSI Kottayam 2013, 327-328.

apostolic constitution *Quae maiori* Pope John Paul II constituted ‘the Syro-Malabar Church as a Major Archiepiscopal Church, along with all the rights and duties incumbent on the same in terms of the Sacred Canons of the Eastern Churches’. In the apostolic constitution the pope indicates three reasons for the elevation of the status of the SMC: the apostolic origin, the possession of a venerable spiritual patrimony as well as the growth of this Church up to a firm stature by tiding over the crisis of every kind all through the course of centuries, it seemed to us quite opportune to upgrade the same as a major archiepiscopal church’.

The apostolic constitution reads as follows:

In virtue of our most important office as pastor of the entire flock of the Lord, we, with, sedulous assiduity, endeavour to do whatever is helpful for the greater advantage of the Christian faithful. Therefore, since the Syro-Malabar Church, as the constant tradition holds, owed its origin to the preaching of the apostle Thomas, and having been enriched by a proper, venerable and spiritual patrimony, has grown up to a firm stature by tiding over crises of every kind throughout the course of centuries, it seemed to us quite opportune to upgrade the same as a major archiepiscopal Church. In consultation therefore, with our venerable brother Achille Silvestrini, Cardinal of the Holy Roman Church, Prefect of the Congregation for the Oriental Churches, and making use of our apostolic authority we constitute the Syro-Malabar Church as a major archiepiscopal church under the title of Ernakulam-Angamaly, along with all the rights and duties incumbent on the same in terms of the Sacred Canons of the Eastern Churches; it is ordered that the territory of the same shall be limited to the confines of the ecclesiastical provinces of Ernakulam and Changanacherry; and the permanent

residential see of the major archbishop shall be situated in the very same town of Ernakulam. What we have ordered shall be duly put into effect, and after discharging the task the customary documents shall be drawn up and transmitted to the Congregation we have mentioned. Finally, we wish to confirm and ratify this apostolic constitution of ours for the present and the future, notwithstanding whatsoever to the contrary.<sup>34</sup>

#### **4. Jurisdiction all over India**

Syro-Malabar Church which had two vicariates in 1887 increased the number of her vicariates into three in 1896 and to four in 1911. After the erection of the Syro-Malabar hierarchy in 1923 the number of the dioceses began to increase rapidly and constantly both in the proper territory in Kerala and outside in the mission areas in Central and North India. In 1959 there were two ecclesiastical provinces and from 1962 onwards mission territories were given to this Church in Central and North India. In 1968 there were four exarchates in the missions and in 1977 six eparchies in the mission territories. In 1984 the number of mission eparchies was 8 and in 1988 for the first time a diocese for the Syro-Malabar migrants. When in 1992 the Syro-Malabar Church was raised as a major archiepiscopal Church there were 12 dioceses in the proper territory, 8 in the missions and one for the Syro-Malabar emigrants; thus altogether 21 dioceses.

##### **4.1. Full autonomy, but limited jurisdiction**

The growth of the Syro-Malabar Church as a major archiepiscopal Church is praiseworthy. In the year 2000 the number of dioceses in the proper territory was 15 and those outside Kerala was 11. In 2012 when the present major

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34 Apostolic Constitution, *Quae maiori, Acta Apostolicae Sedis* 85 (1993) 398-399; *Synodal News*, no.1 (August 1993) 10-12.

archbishop Cardinal George Alencherry took charge of the Church as ‘father and head’ there were altogether 29 dioceses; 18 dioceses in Kerala and 11 outside Kerala. During his tenure i.e. from 2012 onwards till today the number of the dioceses outside Kerala increased from 11 to 17. Now there are 18 dioceses in Kerala and 17 outside Kerala; of these 17, one each in USA, UK, Canada and Melbourne.<sup>35</sup>

The letter of Pope Francis to the bishops of India dated 17 October 2017 titled *Varietas ecclesiarum* is a milestone in the modern history of the Church in India. Pope is certain that the variety of ecclesial life in India which shines with great splendour throughout lands and nations is also found in India. This document admires the Christian presence in India which is both rich and beautiful, complex and unique due to the contacts with the Chaldean, Antiochean and Latin traditions which resulted in the existence of three *sui iuris* churches of Latin, Syro-Malabar and Syro-Malankara. The document clearly shows the mind of the Catholic Church to reveal her face in all its beauty to the world. For this reason, as the document writes, the Congregation for the Oriental Churches, which celebrates its year, having been established through the farsightedness of Pope Benedict XV in 1917, has encouraged, where necessary, the restoration of Eastern Catholic traditions and ensured their protection as well as respect for the dignity and rights of these ancient churches.<sup>36</sup>

As *Lumen Gentium* teaches the Bishop of Rome is to promote unity in the diversity of the Body of Christ.<sup>37</sup> their responsibility is, as it envisages, not only to become ever more

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35 See the details in J. Puliurumpil, *Glimpses of Syro-Malabar History*, OIRSI Kottayam 2019, 151-153.

36 *Synodal News*, 25/1-2 (2017) 181.

37 *Synodal News*, 25/1-2 (2017) 182.

effective instruments of the special duty of promoting the unity of all Christians, especially Eastern Churches, but also to promote their equal dignity, for they enjoy the same rights and are under the same obligations.<sup>38</sup> The need for unity and the preservation of diversity are not opposed to one another, according to St John Paul II. This need to be faithful to the traditions and patrimony of one's own rite must not be interpreted as an interference with the Church's task of 'gathering into one the children of God who are scattered abroad or with the mission of the Church to promote the communion of all people with the Redeemer.'<sup>39</sup>

#### **4.2. Overlapping/Multiple jurisdiction**

Half a century back when mission dioceses were given to the Syro-Malabar Church in North India the mind of the Church was to have one bishop in one territory. These eparchies, created from the Latin dioceses today have exclusive jurisdiction over those territories, both of the Latin and Syro-Malabar faithful. This necessitates the need of cooperation between bishops of the different *sui iuris* Churches within the same territory. In a world where large numbers of Christians are forced to migrate overlapping jurisdiction have become customary and effective tools for ensuring the pastoral care of the faithful.<sup>40</sup> Overlapping jurisdictions function well in Kerala and also in the dioceses of Kalyan consisting of the Bombay-Pune region, Faridabad erected in the region of Delhi and also of Mandya whose territory was extended in 2015 including the metropolitan area of Bangalore. As the document shows all these developments prove that the presence of a number of bishops in the same area does not compromise the mission of the Church.

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38 *Orientalium Ecclesiarum* 3.

39 Letter of St. John Paul II to the Bishops of India on 28 May 1987.

40 *Synodal News*, 25/1-2 (2017) 183.

## **5. The scope of achieving hierarchical perfection**

### **5.1. Syro-Malabar Church, the most vibrant with strong faith, eastern tradition and missionary zeal**

In the documents erecting the two vicariates of Kottayam and Thrissur and the three vicariates of Thrissur, Ernakulam and Changansserry it is made clear that Syro-Malabar Church is a separate church, separate from the Latin Church and the Chaldean Church. When the Syro-Malabar Church was granted a Syro-Malabar hierarchy in 1923 in the document it is again stated that this church is in a position of having a separate hierarchy, though not constituted in the manner of an Eastern hierarchy with a common head and a synod of bishops. The identity of the Syro-Malabar Church was emphasized during the time of constituting this church a major archiepiscopal Church on the basis of its apostolic tradition, venerable spiritual patrimony, the strong faith against all odds and the marvellous growth of the church. The Syro-Malabar Church which is one among the 23 Catholic Churches of Christendom, is the most active, living and rapidly growing Eastern church which can be rightly called ‘properly eastern’ as it is eastern both liturgically and geographically. This Church today having more than five million Catholics is heading all other Oriental Churches in Christian life, parish activities, youth ministry, vocations to religious life, conducting ecclesiastical, charitable, health and educational institutions, publications and involvement in social activities.

### **5.2. Patriarchates in the Church**

In the Council of Nicea (325) Rome, Alexandria and Antioch were given the titles of chief metropolitan sees (canon vi) and in the Council of Chalcedon in 451 they were raised patriarchal sees.<sup>41</sup> Constantinople and Jerusalem too were

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41 The rule by these three ecclesiastical centres is generally called ‘tetrarchy’

granted the patriarchal rank (canons xxv-xxviii). Pentarchy – the rule of five patriarchal sees – thus came into existence in the church. Of these five, Rome was in the Western Roman Empire and the other four in the Eastern. The pentarchy was first legally expressed in the legislation of Emperor Justinian I (527–565). The Quinisext Council of 692 gave it formal recognition and ranked the Sees in order of pre-eminence. Especially following Quinisext, the pentarchy was accepted in Eastern Orthodoxy, but generally not in the West which rejected the Council and the concept of the pentarchy. Infighting among the Sees, and particularly the rivalry between Rome (which considered itself preeminent over all the church) and Constantinople (which came to hold sway over the other Eastern sees and which saw itself as equal to Rome, with Rome ‘first among equals’), prevented the pentarchy from ever becoming a functioning administrative reality. The Islamic conquests of Alexandria, Jerusalem, and Antioch in the 7th century left Constantinople the only practical authority in the East, and afterward the concept of a ‘pentarchy’ retained little more than symbolic significance.

Though the Council of Chalcedon declared official only five patriarchates, in the later centuries some new ones were created both in the West and in the East. The newly created ones in the West were more titular or honorary like those of Aquileia (5th century), Grado (6th century), Venice (1751), West Indies (1520) and East Indies (1886).<sup>42</sup> As pope was the patriarch of the west, all western bishops of whatever rank are subject to his patriarchal and papal jurisdiction. But a real patriarch cannot be subject to another patriarch; no patriarch can have another under his patriarchal jurisdiction. Therefore, these western patriarchates are generally called ‘minor patriarchates’.

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42 In the middle ages bishops of Lyons, Bourges, Canterbury, Toledo and Pisa were occasionally called patriarchs.

But patriarchates created in the East were more independent and autonomous. These eastern ones came into existence mainly due to the schisms and the following reunions with the mother churches. To be under a patriarch had come to be the normal, and apparently necessary condition for any Church. So it was natural that these groups when they broke from the original patriarchs should sooner or later set up rivals of their own. The Nestorians broke away from Antioch in the fifth century. They then called their *Catholicos* (originally a vicar of the Antiochene pontiff) patriarch and began using the title as Patriarch of Seleucia and Ctesiphon. During the long Monophysite quarrels of the fifth and seventh centuries there were continually rival Monophysite patriarchs of Alexandria and Antioch. After the Moslem conquest of Egypt and Syria there began the line of Coptic patriarchs of Alexandria and the Syrian (Jacobite) patriarchs of Antioch. Thus besides the five ancient patriarchates there were those of Selucia-Ctesiphon, Coptic (a rival patriarch of Alexandria) and Syrian (a rival patriarch of Antioch).<sup>43</sup>

### **5.3. Existing Eastern Catholic Patriarchates**

Then there was multiplication of patriarchates due to the Crusades. The crusaders from the west naturally refused to recognize the claims of the old, then schismatical patriarchal lines and so they set up Latin patriarchs in their places. Thus there originated the Latin patriarchates of Jerusalem and Antioch. Thus by the eleventh century besides Rome (also the minor patriarchates) there were three centring Alexandria (the monophysite, Coptic and Latin), four centring Antioch (Nestorian [called Selucia-Ctesiphon], Syrian, Latin and Maronite following West Syrian) and two centring Jerusalem (one eastern and the other Latin). The formation of Re-united

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43 For details see J. Puliurumpil, *Syro-Malabar Church Towards Patriarchate*, Kottayam 2017, 316-321.



Churches since the sixteenth century again increased the number of patriarchates. Maronite (west Syrian), Babylonian or Chaldean (East Syrian), Melchite (from Antioch), Armenian, Syrian (from Antioch, west Syrian) and Coptic (Alexandrian) are the existing six Oriental Catholic patriarchates. Of these six patriarchates three have descent from Antioch, one from Alexandria and two from Babylonia or East Syrian.<sup>44</sup> In the broader sense all these can be considered continuations of the tetrarchy. But no uniform principle is found behind their erections; many and varied were the reasons and were all contextual.

#### **5.4. Right to be elevated as a patriarchal church**

Syro-Malabar Church has steps still to climb, to a patriarchal structure, to attain jurisdiction over her faithful all over the world, to plan new vistas for mission work. It has also challenges to face, to witness Christ everywhere especially in the multi-religious Indian scenario and to lead a life proper to the Scripture, tradition, faith and morals amidst the modern lethargy in Christian life and to imbibe the spirit of tolerance, charity, temperance and service. Syro-Malabar Church, one among the 23 Oriental Churches which has today the highest number of faithful, priests, bishops etc has all the right to be called patriarchal. Her unique liturgical heritage, particular canonical discipline long-standing tradition, apostolicity etc justify this claim. *The Motu Proprio Cleri Sanctitati* has made the erection of new patriarchates as legitimate. In OE 9 it is stipulated: ‘this holy council enacts that their rights and privileges be restored in accordance with the ancient traditions of each church and the decrees of the ecumenical councils’.

Vatican Council II in OE 11 clarifies this point saying: ‘Since the patriarchal system is the traditional form of government

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44 J. Puliurumpil, *Syro-Malabar Church Towards Patriarchate*, Kottayam 2017, 322-323

in the Eastern Churches, the holy ecumenical council wishes, where there is need, new patriarchate to be set up'. According to OE 2, 'It is the mind of the Catholic Church that each individual Church or Rite should retain its traditions whole and entire and likewise that it should adapt its way of life to the different needs of time and place'. UR 16 stipulates: 'this holy council solemnly declares that the Churches of the East, while remembering the necessary unity of the whole church, have the power to govern themselves according to the disciplines proper to them, since these are better suited to the character of their faithful and more for the good of their souls'. OE 3 writes clearly: the equality in dignity of all particular churches of the universal church 'so that none of them is superior to the others as regards the rite and they enjoy the same rights and obligations, also in respect of preaching the Gospel to the whole world under the guidance of the Roman pontiff'. The very same reasons for raising this Church as major archiepiscopal, which is a transit stage or a temporary arrangement and which does not pass with the proper Oriental structure, could be put forward to recognize it as patriarchal and thus to its hierarchical perfection.

## **Conclusion**

Consequent to the western contacts Syro-Malabar Church lost her autonomy, all-India jurisdiction and the metropolitan status. In 1886 when Portuguese Padroado was suppressed in India the Church of St Thomas Christians was confined to a small territory in Kerala. Though two vicariates were granted in 1887 as the first step towards autonomy there left a lot to be accomplished. Passing through different stages of autonomy, in 1992 Syro-Malabar Church was granted major archiepiscopal status. Patriarchate is the last grade of an Oriental Church. It is the high time to think in the line of giving this Church full autonomy by raising it to the status of a patriarchate. Syro-Malabar Church

has all the right and capacity to be granted this apex title. This apostolic Church withstood all troubles and difficulties in the different stages of her growth in the early centuries. During the Latin period when there happened division in the one fold St Thomas Christians, they stood firm with the Roman Church in faith and communion. This Church has got the highest number of faithful, parishes and priests. In the Catholic union six Oriental Churches have the title of patriarchate. The next one to be raised to this grade is the Syro-Malabar Church on many reasons. The Synod of Bishops of the same Church should take the necessary steps in this direction, of course, in consonance with the mind and will of Vatican II and the Magisterium.



# Litterae Apostolicae de Hierarchia Episcopali in Indiis Orientalibus Instituenda

Leo episcopus

Servus servorum Dei

Ad perpetuam rei memoriam

**H**umanae salutis auctor Iesus Christus, cum nos sanguine suo de servitute redemisset et in caelos ad Patrem proxime esset rediturus iis, quos Apostolos nominavit, alumnis disciplinae suae et testibus rerum quas Ipse fecerat et docuerat, imbuendum caelesti doctrina mundum commisit. Sanari enim oportebat consilio gratiaque Dei omnes homines: nec sanari nisi oblato veritatis lumine potuissent, Illi itaque nobilissimi muneris memores, accepta Spiritus Sancti virtute, in varias orbis partes magno animo abeunt, Evangelii sapientiam quacumque nuntiant, longius etiam progressi quam quo arma domitoris terrarum populi penetrarant; ita ut vel ab Ecclesiae primordiis verissimum illud extiterit, *in omnem terram exivit sonus eorum, et in fines orbis terrae verba eorum.*

Apostolici muneris obeundi officium in latissimis Indiae regionibus Thomae obtigisse, memoriae proditum est. Hic sane,



uti vetera litterarum monumenta testantur, Christo in caelos recepto, cum in Aethiopiam, Persidem, Hircaniam, ac demum in peninsulam ultra Indum migrasset, difficillima peregrinatione suscepta, gravissimisque exantlatis laboribus, primus eas gentes christianae veritatis luce collustravit, redditoque summo animarum Pastori sanguinis sui testimonio, ad sempiterna in caelis praemia evocatus est.

Exinde Apostolum praeclare de ea regione meritum colere India non omnino intermisit: in vetustissimis libris liturgicarum precum aliisque illarum ecclesiarum monumentis Thomae nomen et laudes celebrari consueverunt, atque insequentibus saeculis, post ipsam errorum luctuosam propagationem, nequaquam est eius deleta memoria; itemque fides, quam ille disseminarat, tametsi intermortua iacuit, non tamen extincta funditus esse visa est. Quare novis virorum apostolicorum excitata curis latius manavit, egregiisque florens virtutum exemplis, et martyrum educta sanguine, gentes illas ab immiti feritate revocatas sensim ad humanitatem excoluit. Hac vero aetate christianum nomen tanta apud Indos prosperitate vulgatum est, ut Ecclesiae filii per universam peninsulam ad sedecim centena millia feliciter creverint: sacerdotes magno in honore habentur, catholica doctrina in scholis summa cum libertate traditur, iamque certa spes affulget copiosiores ex ea gente manipulos ad lesum Christum accessuros. Itaque decrevimus firmiore ordine et modo rem Indorum catholicam constituere: ea enim, quantumvis magnum et constans Decessorum Nostrorum extiterit studium, nondum illam adepta est constitutionem ordinatam et stabilem, cuius tanta vis est ad tutandam vitae christianae disciplinam, salutemque populis pariendam.

Ut aliquid de praeteritorum temporum memoria perbreviter attingamus, inito iam saeculo XIV, antiquam fidem velut ab interitu vindicare conati sunt nobiles ex Franciscana et Dominicana

familia alumni, qui, auctoritate missuque romanorum Pontificum, ad Indias transgressi plurimum operae in sanandis haereticorum opinionibus abolendâque ethnicorum superstitione posuerunt. Ubi vero expeditior per promontorium Bonae Spei patuit Europae gentibus ad oras Indicas transitus, una cum virorum apostolicorum adcursum salutares crevere fructus. Singularem laudem eo tempore consecuta est Societas Iesu; in primisque ad miraculum excelluit magnus Indiarum apostolus Franciscus Xaverius, qui incredibiles labores perpressus et maximis periculis terra marique excelso animo superatis, Crucem sacrosanctam iis regionibus quasi triumphator intulit, et ingentem hominum multitudinem nedum in ora Malabarica, sed et in Coromandelica et in Ceylanensi insula, immo et in remotioribus provinciis usque ad Iaponios, multiplici superstitione sublata, ad Iesum Christum adiunxit.

Ad tantam christiani nominis propagationem, praeter laboriosas Missionariorum curas, plurimum valuit illustrium Portugalliae et Algarbiorum regum opera: quibus merito contigit, ut ab hac Apostolica Sede perhonorifice collaudarentur, quod *eorum ministerio tam lata orbis terrae pars antea ignota Europae innotuisset: maxime vero quod Ecclesiae Dei per agnitionem christianae veritatis aggregaretur.*<sup>1</sup>

In provinciis vero, quas vel in ora Malabarica vel in Coromandelica Lusitani obtinuerant, cum latius fides catholica manavisset, praecipua Pontificum maximorum cura fuit, sacerdotes ad sacra officia iis in regionibus obeunda undique advocare, aliaque sapienter et utiliter, praesertim quod ad christianorum regimen pertineret, constituere. Aucta vero Lusitanarum possessionum amplitudine, novae Dioeceses in iisdem coloniis constitutae sunt. In iis eminent Goana, quam Paulus IV archiepiscopalis throni honore et iuribus auxit: accedit

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1. Leo X - *Summam Nobis laetitiam* - 1513.

vero Cochinesis et Cranganorensis: item in ora Coromandelica Meliaporensis, quam in urbe Sancti Thomae Paulus V instituit. Portugalliae vero atque Algarbiorum regibus, quod rei catholicae incrementis profuissent, nominatimque Dioeceses, quae commemoratae sunt, aere suo munifice dotassent, romani Pontifices grati animi caussa ius patronatus in novensiles episcopales Sedes concessere. Quae quidem cum in veteris ac recentis christianorum societatis utilitatem provide decernerent, spe erigebantur, brevi futurum ut extremi Orientis gentibus lux Evangelii longe lateque affulgeret, quaeque ex illa sequuntur beneficia, tamquam abundantissimus annis, in ipsam civilem societatem influerent. Sed prospere coeptorum cursum fortuna retardavit. Coortis enim bellorum aliorumque casuum procellis, magna clades Ecclesiae apud Indos succrescenti imminere videbatur. Itaque ne Evangelii interciperetur propagatio, neu in tot hominum millibus sempiterna animorum salus periclitaretur, romani Pontifices ad regna illa amplissima, praesertim quae Lusitanis coloniis nequaquam continebatur, providentiam suam transtulerunt summaque cura studuerunt, quanto plures ex ingenti illa multitudine possent, ad instituta christiana traducere, item munire adiumentis iis quae ad excolendos animos pertinent, et haeretica pravivitate depulsa, in sancta religione retinere.

Quo autem cura difficilior ob immensa locorum intervalla, regionum latitudinem, incommoda itinerum, eo accuratius vel evangelicis operariis deligendis vel Missionum regimini ordinando operam dare magna cum libertate consueverunt. Saeculo XVII et XVIII, praesertim operâ virorum religiosorum, quos sacra Congregatio christiano nomini propagando ad Indos miserat, plures christianorum communitates coaluere; linguae earum gentium variae per Missionarios perceptae; libri vernaculo populi sermone conscripti: plurimorum animi spiritu catholicae institutionis imbuti atque in spem caelestium erecti. Quibus in rebus nobilitati sunt labores sodalium Carmelitidum, Capulorum, Barnabitidum, Oratorianorum, qui quidem in iis



gentibus ad christiana instituta erudiendis non eodem omnes tempore, sed idem studium collocavere constantiamque parem.

Gubernandis interea fidelibus moderandisque sacrorum operariorum expeditionibus, idoneo Antistitum regimine constituto, provisum est. Decessores autem Nostri singulari studio in id in primis animum intendebant, ut apostolici viri doctrinam christianam Indiâ tota sancte inviolateque servarent, nec ullo unquam ethnicarum superstitionum vestigio inquinari paterentur. Revera nemo ignorat quam vigilanter incubuerint ad evellenda radicitus vanarum observationum rituumque a fide christiana abhorrentium zizania ab inimico homine disseminata in novellis iis ecclesiae germinibus, quae praesertim in regnis Madurae, Mayssourii et Carnatici adoleverant: item quam provide studuerint, quaestiones omnes inter regionum illarum Missionarios in re gravissima excitatas Pontificia auctoritate dirimere. De quibus ut Clemens XI apprime cognosceret, Carolum Thomam Tournonium Patriarcham Antiochenum cum potestate Legati a latere in Indiis orientalibus Commissarium ac Visitatorem Apostolicum anno MDCCI destinavit. Sapientibus Tournonii decretis Clemens XI auctoritatis suae robur adiecit, eisdemque Innocentius XIII, Benedictus XIII, et Clemens XII, ut quam diligentissime obtemperaretur, graviter sanxerunt. Benedictus vero XIV, edita Constitutione Omnium sollicitudinum<sup>2</sup>, amotis dubitationum caussis additisque opportunis declarationibus, controversiam dimidio fere saeculo acriter agitatam sustulit.

Aliquanto serius, cum de Indiarum bono romani Pontifices plura cogitarent, tranquillitas Ecclesiae per Europam turbulentis est afflicta temporibus: quae tempora vel apud Indos christianae fidei incrementum prohibuere. Praeterea in provinciis peninsulae australibus plaga gravis accessit, auctore tyranno Tipou Sahib, qui catholicum nomen multimodis vexavit. Quamvis vero post id tempus apostolici viri pro nomine christiano multum et

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2 Prid. Id. Septemb. 1744

utiliter elaboraverint, tamen Gregorius XVI rem omnem animo et cogitatione complexus, intellexit et declaravit, *regiones illas necessario requirere ut Apostolica Sedes, mutatis temporum adiunctis, religioni in iis periclitanti succurreret, et ecclesiastici regiminis formam ea ratione moderaretur, quae obtinendae fidei incolumitati par esset.*<sup>3</sup> Statimque ad rem aggressus, non pauca constituit christianis ex India hominibus salutaria, amplificandaeque per eos tractus religioni valde opportuna.

Verumtamen Apostolicae Sedis curas, utique communis salutis gratia susceptas, multis longe secus interpretantibus, cum funestum illud dissidium deflagravisset quod in maiora mala erupturum videbatur, Pius IX cum Petro rege Fidelissimo semel atque iterum egit, ut quaedam communi consilio decernerentur, quae tot incommodorum remedium afferrent. Itaque conventio est inita anno MDCCCLVII; cuius tamen conditiones quominus perficerentur, variae difficultates impedimento fuere.

Ubi vero Nos, summa Dei benignitate, Ecclesiae gubernacula suscepimus, de gravissimo hoc negotio diligentissime cogitantes, auctores fuimus regni Lusitani Administris ut ea de re Nobiscum agere, novasque conditiones, quales tempora suasissent, scribere ne recusarent. Quod iis cum placuisset, mentem Nostram consignavimus litteris ad dilectum Filium Nostrum regem Ludovicum missis hoc anno, die VI Ianuarii, explorataque eius aequitate cum concordiae studio coniuncta, conventionem rite peregitur, per quam licuit plura utiliter communi sententia statuere, quae litteris, uti mos est, mandata sunt.<sup>4</sup> In primis vero ius patronatus regum Lusitaniae aequo modo definitum est: Archiepiscopatus Goanus dignitate Patriarchali ad honorem auctus, eiusdemque cum Dioeceses Suffraganeae designatae, tum iura cetera constituta. Praeterea convenit, ut gubernatores

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3 Litt Apost. *Multa praeclare*, die 24 Aprilis 1838.

4 Concord. an. 1886.

Lusitaniae singulis Dioecesibus supra dictis censum in tuitionem Canonicorum, Cleri, Seminariorum publice assignent: iidem operam suam cum Episcopis conferant ad scholas pueris, domos altrices pupillis comparandas, aliaque pie instituenda, quae vel christianorum saluti prodesse, vel tollere ethnicorum superstitionem posse videantur. His de causis cum animorum concordiam in christianis ex India populis tranquillam ac firmam fore non iniuria confidamus idcirco maturitatem venisse censemus rei catholicae in universa cis Gangem peninsula constituendae, ut illae gentes ad montem domus Domini praeparatum accedentes, stabilis beneque ordinati regiminis beneficia sentiant.

Septentrionalis Indiarum tractus tres excipit Vicariatus, quod antiqua missio Indostana a Gregorio XVI in duas partes anno MDCCCXLV<sup>5</sup>, et a Nobis his postremis annis tripartita<sup>6</sup>, Agrae, Patnae et Punjabii veluti ecclesiasticas regiones separatas modo complectitur. Prior veteri territorio constat, exceptis partibus alteri assignatis: altera constat regionibus, quae appellantur Népal, Behar, parva provincia Sikkim, vetus regnum Ayadhya, Bundelkand; aliisque principatibus finitimis. Tertia vero Punjabensi regione continentur, cui regnum Cashmire deinde additum est.

His subiacet ad Indum Missio Bombayensis, quam Pius IX anno MDCCCLXIV bifariam dispertiens, regionem australem seu Poonensem a boreali seiunxit. Haec vero, praeter insulas Bombay et Salsette, habet provincias et regna Broack, Ahmedabad, Baroda, Guzerate, Marwar, Catch, Sindhi, Beluchistan usque ad Cabul et Punjab: australis autem regna et provinciae Konkán, Kandeish et Dekkan usque ad terminos regnorum Nizam, Maissour et Canara Septentrionalis, exceptis ex utraque territoriis et provinciis Archidioecesi Goanensi nec non Archidioecesi Damanensi

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5 Litt. *Apost. Pastoralis officii*, die 7 Feb. 1845.

6 Litt. *Apost. Intendentes*, 21 Sept. 1880.

seu et Cranganoris nuper assignatis. Subsequuntur per oram Kanarensem et Malabaricam praeter Archidioecesim Goanam Vicariatus tres inter montes Ghates et mare occidentale siti, nempe Mangalorensis, anno MDCCCLIII a Verapolitano seu Malabarico separatus,<sup>7</sup> per provinciam Kanarae ad flumen Ponany; Verapolitanus ab eo flumine ad terminos Dioecesis Cochinchinensis nuper a Nobis restituta, et Quilonensis ab eiusdem Dioecesis finibus ad meridiem siti ad promontorium Comorinum usque pertingens, exceptis paroeciis Dioecesi Cochinchinensi assignatis.

Ad plagam peninsulae orientalem decem pertinent Missiones. In sinu Bengalico tres ad ostia fluminis Ganges: nimirum Vicariatus occidentalis in Calcuttae urbe constitutus, et orientalis, ambo anno MDCCCL ab unico Bengalensi derivati.<sup>8</sup> Qui autem ad iurisdictionem Episcopi Meliaporensis pertinere dicti sunt, ex numero subditorum utriusque Vicariatus excipiendi. His accedit in centro provinciae civilis Bengalensis Praefectura Apostolica anno MDCCCLV erecta. Finitima est Vicariatus occidentali Bengalico missio vastissima de Vizagapatam nuncupata, quae universum territorium inter fines Vicariatus Bombayensis et mare Bengalicum usque ad flumen Godavery ad austrum comprehendit, et anno MDCCCL a Madraspatana divisa est.<sup>9</sup> Hyderabadensis proxima missio per regnum Nizam et provinciam Masulipatam ad flumen Krichna protenditur, quam a Gregorio XVI designatam, Pius IX anno MDCCCLI<sup>10</sup> ad dignitatem Vicariatus evexit.

In ora Coromandelica praecipua extat Madraspatana civitas quae ab anno MDCCCXXXIV Vicarium Apostolicum obtinuit, cuius iurisdictio a flumine Krichna ad Palar inter fines missionis Bombayensis et mare extenditur, eo praerepto tractu qui nuper a Nobis Meliaporensi dioecesi assignatus est. Ad australes

7 Litt. Apost. *Ex debito*, 15 Mart. 1853.

8 Litt. Apost. *Exponendum Nobis*, 15 Febr. 1850.

9 Litt. Apost. *Ex pastoralis officio muneris*, 3 Aprilis 1850.

10 Litt. Apost. *Ad universalis Ecclesiae*, 20 Maii 1851.

vero eius fines antiquus Vicariatus orae Coromandelicae in tres quoque missiones anno MDCCCL divisus fuit<sup>11</sup>, nempe Pondicherianam inter flumen Palar ad septentrionem et flumen Cavery ad meridiem: Mayssourensem ad regionem occiduam, huius nominis regnum et provincias Coorg, Collegal, et partem Winaad et Salem complectens: demum Coimbatorensem quae inter Missiones Verapolitanam, Mangaloreensem et Madurae ad orientem montium Ghates continetur. Extrema iacet ad austrum peninsulae magna Madurensis Missio quae mari Coromandelico, montibus Ghates et fluminibus Cavery et Vettar clauditur, iis sublatis regionibus et locis quae Episcopo Meliaporensi tribuimus; eamque anno MDCCCXLVI paucis ante obitum diebus Gregorius XVI in Vicariatum constituit.<sup>12</sup>

Ceylanensis vero insula in triplicem Vicariatum distinguitur, Columbensem, Jaffnensem, et Kandyensem: quorum priores ex unico antea extante, assignatis alteri provinciis occidentali et meridionali, alteri vero reliquis insulae territoriis, anno MDCCCXLIX<sup>13</sup> a Pio IX erecti sunt: tertius a Nobis, anno MDCCCLXXXIII<sup>14</sup>, separato ex primis in centro insulae territorio constitutus est.

Cum igitur in universis Indiae missionibus, quas commemoravimus, Evangelicorum nuntiorum studio et laboribus, eo iam res christiana provecta sit, ut non modo Salvatoris Nostri nomen summa cum libertate invocetur, sed Ecclesiae plures numerentur, eademque multis sapienter et utiliter institutis floreat, Nos quidem primum omnium Deo optimo maximo pro parta catholico nomini prosperitate singulares gratias et agimus et habemus. Deinde vero quod Decessoribus Nostris diu in optatis fuit ut ecclesiastica hierarchia in India atque in insula Ceylanensi constitueretur, id Nos ad efficiendum aggredimur.

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11 Litt. Apost. *Pastorale ministerium*, 3 Aprilis 1850.

12 Litt. Apost. *Exponendum Nobis*, 19 Maii 1846.

13 Litt. Apost. *Exponendum Nobis*, 13 Aprilis 1849.

14 Litt. Apost. *Quo satius*, 20 Aprilis 1883.

Quo facto consequutura bona, Deo iuvante, confidimus non pauca nec exigua, nominatim concordiae caritatisque incrementum, similitudinem et firmitatem disciplinae, populorum cum Episcopis maximeque cum romano Pontifice stabiliorem coniunctionem, expeditionem catholici nominis propagationem una cum ampliore virtutum christianarum cultu.

Itaque rogata, ut negotii gravitas postulabat, Venerabilium Fratrum Nostrum S.R.E. Cardinalium sacro consilio christiano nomini propagando praepositorum sententia, fuis in humilitate cordis Nostri ad omnipotentem Deum precibus, implorataque ope Immaculatae Dei Matris, sanctorum Apostolorum Petri et Pauli, sanctorum Thomae Apostoli ac Francisci Xaverii, qui eas gentes sicut olim ad Evangelii lucem traduxere, ita nunc patrocinio caelesti tuentur ac tegunt; motu proprio, certa scientia ac matura deliberatione Nostra, de Apostolicae potestatis plenitudine, ad maiorem divini nominis gloriam fideique catholicae incrementum, harum Litterarum auctoritate, in universis Indiae orientalis Missionibus Episcopalem hierarchiam ad canonicarum legum praescripta instituimus.

Porro Decessorum Nostrorum vestigiis inhaerentes, qui primum Archidioecesim Goanam eique suffraganeas sedes Cochinentem, Meliaporensem et Cranganorensem erexerunt, easdem iuxta eam rationem quae in recenti conventionem cum illustri Portugalliae et Algarbiorum rege Fidelissimo inita significatur, confirmamus et in unam ecclesiasticam provinciam iterum coalescere volumus.

Praeterea omnes totius peninsulae atque insulae Ceylan Vicariatus Apostolicos, uti a Nobis supra descripti sunt, nec non Praefecturam in centro Bengalicae provinciae sitam, in Episcopales Ecclesias, auctoritate Nostra Apostolica, tenore praesentium erigimus et constituimus. Ex novarum vero Dioecesium numero quae sequuntur, nempe Ecclesiam Agraensem, Bombayensem, Verapolitanam, Calcuttensem, Madraspatanam, Pondicherianam

et Columbensem ad Archiepiscopalis dignitatis honorem evehimus. Quod autem pertinet ad provinciales seu suffraganeas ecclesias designandas, integrum Nobis erit quod magis expedire videatur statuere.

Archiepiscopi vero et Episcopi de suarum singuli Ecclesiarum statu, iustis temporibus, ad Nostram Congregationem de propaganda Fide referant: quae peculiarem de iis regionibus curam, uti hactenus gessit, ita in posterum geret, cognoscatque de iis omnibus quae sacrorum Antistites muneris sui causa proposuerint.

Archiepiscopus vero Goanensis eiusque Suffraganei Episcopi de statu ecclesiarum ad sacram Congregationem negotiis Ecclesiae extraordinarios pertractandis referant. Iidem summa cura studeant res pie atque utiliter, iuxta memoratam conventionem instituere, fidemque catholicam in finibus iurisdictionis quisque suae omni ratione tueri et amplificare.

Universis vero Indiae Episcopis integrum erit sensim ea decernere, quae ad inducendum commune ius, prout tempora siverint, conferre queant, quaeque ex generali Ecclesiae disciplina Episcoporum auctoritati permissa sunt. Nostrae autem et huius Apostolicae Sedis partes erunt Episcopis in perfunctione munerum suorum operâ, auctoritate, consilio adesse, et quaecumque ad animorum salutem utilia et opportuna videantur omni qua fieri poterit ratione adiuvare.

Reliquum est ut Clerus populusque universus, id quod vehementer hortamur, retineant voluntatum concordiam, inviolate servent caritatem, Episcopis atque in primis huic Apostolicae Sedi libentes atque alacres in omni vita pareant, virtutibusque christianis ita se ornatos atque auctos impertiant, ut qui adhuc a veritate misere deerrant, eos ipsi vel exemplo suo vocent ad admirabile Christi lumen et regnum.

Decernimus tandem has Nostras litteras nullo unquam tempore de subreptionis aut obreptionis vitio, sive intentionis

Nostrae alioque quovis defectu notari vel impugnari posse, et semper validas ac firmas fore, suosque effectus in omnibus obtinere ac inviolabiliter observari debere, non obstantibus Apostolicis atque in Synodalibus, Provincialibus et universalibus Conciliis editis generalibus vel specialibus sanctionibus, ceterisque contrariis quibuscumque, peculiari etiam mentione dignis: quibus omnibus, quatenus supra dictis obstant, expresse derogamus. Irritum quoque et inane decernimus si secus super his a quoquam quavis auctoritate scienter vel ignoranter contigerit attentari. Volumus autem ut harum litterarum exemplis etiam impressis, manuque publici Notarii subscriptis et per constitutum in ecclesiastica dignitate virum suo sigillo munitis, eadem habeatur fides, quae Nostrae voluntatis significationi ipso hoc diplomate ostenso haberetur.

Nulli ergo hominum liceat hanc paginam Nostrae erectionis, constitutionis, institutionis, restitutionis, dismembrationis, suppressionis, adsignationis, adiectionis, attributionis, decreti, mandati ac voluntatis infringere, vel ei ausu temerario contraire. Si qui autem haec attentare praesumpserit, indignationem omnipotentis Dei et beatorum Petri et Pauli Apostolorum Eius se noverit incursum.

Datum Romae apud S. Petrum anno Incarnationis Dominicae millesimo octingentesimo octogesimo sexto, Calendis Septembribus, Pontificatus Nostri anno nono.



## Apostolic letter constituting the Episcopal Hierarchy in the East Indies

Leo Bishop

### Servant of the servants of God

Jesus Christ, the author of human salvation, after he had redeemed us with his blood from slavery, on the eve of his return to his Father in heaven, entrusted the world needing to be imbued with his divine teaching to those whom he named Apostles, disciples of his own training and witnesses of all things he had done and taught. It was in the design and grace of God that all humankind should be saved: nor could this be possible unless the light of truth be offered to them. Wherefore, those men, mindful of their noblest task, after receiving the power of the Holy Spirit, courageously ventured into various parts of the world with great zeal and determination, to proclaim the wisdom of the Gospel to all nations (everywhere) and made farther progress in penetrating those peoples' lands than the arms of any conqueror; so much so that right from the beginning of the Church it has been most true that "their voice goes out through all the earth and their words to the ends of the earth".



It has been handed down to memory that this task of apostolic ministry in the vast regions of India fell on Thomas. As ancient literary monuments testify, after Christ's ascension into heaven, Thomas travelled first to Ethiopia, Persia, Hyrcania and then finally to the peninsula beyond the Indus, and after undertaking a very arduous journey, attended with most serious hardships, was the first to enlighten those peoples with the light of Christian truth, and after having rendered the testimony of his blood to the supreme Pastor of souls, he was called away to his everlasting reward in heaven.

It is quite evident that from that time onwards India never altogether ceased to honour this deserving Apostle: the name and praises of Thomas were wont to be celebrated in the most ancient books of liturgical prayers as well as in other monuments of those Churches and in the course of centuries, even after the lamentable diffusion of errors, his memory was by no means obliterated. In the same way, the faith which he had disseminated, although it lay moribund, did not seem to be completely extinct. For this reason the faith, stirred up by the new solicitude of apostolic men, spread widely; blossoming with outstanding examples of virtue, and nourished by the blood of martyrs, it gradually perfected and ennobled those peoples, after having liberated them from feral savagery to humanity. In this age the Christian name has been so widely spread among the people of India that the sons of the Church have increased to the desirable number of 16,100 in the whole peninsula: the priests are held in high honour, the Catholic doctrine is handed down in the schools with maximum liberty and there shines already the sure hope that more numerous groups of people from that nation will turn to Jesus Christ. Consequently we have decided to settle the Catholic affairs of the Indies in a more definite and appropriate manner. For, despite the great and constant attention of our predecessors, this Church which has so great a strength to

protect the discipline of Christian life and procure salvation for its people, has not yet obtained an orderly and stable constitution.

We articulate a little about the memory of the past times; already at the beginning of the fourteenth century, the renowned disciples of the Franciscan and Dominican families tried to rescue the ancient faith from destruction. These men, sent by the authority of the Roman Pontiffs travelled across to the Indies and dedicated much effort to correcting heretical opinions and dispelling the superstitions of the pagan populations. The way around the Cape of Good Hope provided the Europeans with easier access to the shores of India and at the same time with the arrival of the apostolic men the fruits of salvation increased. At that period the Society of Jesus achieved extraordinary renown and especially the great Apostle of the Indies Francis Xavier, who excelled to a miraculous degree, after enduring unbelievable hardships and courageously overcoming grave dangers both on land and at sea, carried the most holy Cross almost in triumph in those lands and after eradicating manifold superstitions, brought to Jesus Christ a great multitude of people, not only on the Malabar coast, but both on the Coromandel coast and on the island of Ceylon, and even in more remote provinces as far as Japan.

For so much propagation of the Christian faith, besides the hard toils of the missionaries, the efforts of the Kings of Portugal and the Algarves were much efficacious; they rightly deserve to be very respectfully praised by this Apostolic See because, “by their service so broad a part of the earth in the world, hitherto unknown to Europe became known: and most especially because it was associated with the Church of God through the knowledge of Christian truth”.

In the provinces, which the Portuguese had held either on the Malabar coast or on the Coromandel region, as the Catholic faith became more widespread, it was a particular

concern of the Roman Pontiffs to call priests from everywhere for performing sacred ministries in those regions and arrange wisely and beneficially other matters, especially that which pertained to the governance of the Christian faithful. As soon as the Portuguese possessions augmented, new dioceses were constituted in these colonies. The principal one among all of them is Goa, which Paul IV strengthened with the honour and rights of an archiepiscopal throne; afterwards come Cochin and Cranganore; then Meliapore (Mylapore) in the Coromandel coast which Paul V erected in the city of St. Thomas. The Roman Pontiffs on account of their agreeable mind conceded the right of patronage to the kings of Portugal and the Algarves over the new episcopal sees because they had contributed to the progress of Catholic affairs and had generously endowed each one of the aforementioned dioceses from their own treasury. Since they (the kings) carefully determined the usefulness of these dioceses both in the earlier and later Christian societies, they were erected with the hope that in the near future the light of Gospel would shine far and wide upon all the peoples of the Far East, and the benefits which ensued, like an overflowing river, would inundate the civil society itself. Yet fate held back the favourable course of what had been undertaken. The storms of war and other misfortunes arose, and a great calamity seemed to loom over the sapling Church of India. Lest the propagation of the Gospel might be interrupted and the eternal salvation of so many thousands of souls be jeopardized, the Roman Pontiffs took many precautions and devoted their utmost attention to those vast kingdoms (territories) and particularly to those which were not part of the Portuguese colonies, in order that they might bring as many as possible from that great multitude of peoples to the Christian way of life, and likewise provide them with assistance and support for the perfection of souls and also to keep them steadfast in the holy religion after the wickedness of heresy had been dispelled.

However, the more difficult this concern (became) because of the great distances between the places, the breadth of the regions as well as the difficulties of journeys, the more they were accustomed to operate with great liberty either in accurately selecting the Gospel workers (missionaries) or in ordering the government of the missions. In the seventeenth and eighteenth centuries, particularly due to the work of religious men, whom the Sacred Congregation had sent to India for propagating the Christian name, several Christian communities flourished. The Various languages of those peoples were learned by the missionaries, books were written in the native tongues, the souls of many were imbued with the spirit of the Catholic faith and aroused to the hope of heavenly things. In these matters the works of the members of the Carmelite, Capuchin, Barnabite and Oratorian orders were excellent, who indeed dedicated equal energy and perseverance, although not all at the same time, in instructing those peoples in the Christian faith.

In the meantime provision was made for governing the faithful and for moderating the expeditions of holy missionaries, after a suitable administration of bishops was constituted. Yet our predecessors especially dedicated particular attention so that the apostolic men might preserve integrally and inviolably the Christian doctrine in the whole of India and they might not suffer at any time, contaminated by any trace of pagan superstitions. In fact, no one is ignorant of how vigilantly and jealously they paid attention to the eradication of false observances and abhorrent rituals from the Christian faith, weeds sown by the enemy among up those tender young seeds of the Church, which particularly grew up in the kingdoms of Madras, Mysore and Karnataka; likewise how they devoted careful attention to resolve all the problems that arose among the missionaries of those regions, in grave matters with pontifical authority. As soon as Clement XI learned of these matters, he appointed Charles Thomas

Tournon, the patriarch of Antioch with the power of legate “a latere” as commissar and apostolic visitor in the East Indies in the year 1701. Clement XI added the strength of his authority to the wise decisions of Tournon, and Innocent XIII, Benedict XIII and Clement XII strongly endorsed the same so that those might be complied with as diligently as possible. Benedict XIV in fact with the promulgation of the Constitution “*Omnium sollicitudinum*”, after all reasons for doubt had been dispelled and appropriate statements had been added, endured this bitter and troubled controversy for almost half a century.

Later on when the Roman Pontiffs were thinking much about the well-being of the Indies, the tranquillity of the Church was afflicted by the turbulent times in Europe, which impeded an increase in the Christian faith even in the Indies. Besides this, in the southern provinces of the peninsula a grave calamity occurred when the tyrant Typoo Sahib troubled the Catholic name in many ways. However after this period apostolic men did much useful work for the Christian faith so much that Gregory XVI, after having considered all matters in his heart and thought, formed the opinion and declared that “it is necessary to recuperate those regions so that the Holy See, since the circumstances of time had changed, might succour the endangered religion in those regions and for the same reason moderate the form of ecclesiastical government, as was befitting for the safety of the faith needing to be preserved”. Having immediately undertaken this task, he brought about no few salutary benefits for the Christian people in India, which were very opportune for the spreading of the religion in those territories.

Nevertheless when that fatal dispute, which was about to burst into greater evils, obliterated the provisions of the Apostolic See, surely undertaken for the sake of common salvation, as many were interpreting them very differently, Pious IX together

with the most faithful king Pedro acted time and again to decide some matters by mutual agreement which would prove to be a remedy for so many troubles. Thus an accord was made in the year 1857; but various difficulties prevented the execution of its provisions.

As soon as we, with God's greatest benevolence, assumed upon ourselves the government of the Church, with scrupulous concern for this most serious affair, advised the ministers of the king of Portugal to act with us in this matter, so that they might not refuse to write down the new conditions which the times had suggested. Since it was pleasing to them, we conveyed our opinion in a letter sent on 6 January of this year to our beloved son king Ludwig, and after having examined the matter conjointly in an equitable fashion in a concordant study, we duly proceeded with an assembly, by means of which it was possible to determine by common sentence several matters which, as usual, were sent by a letter. First of all the patronage right (*ius patronatus*) of the kings of Portugal was defined in an equitable fashion: the archbishopric of Goa was promoted to the patriarchal dignity *ad honorem*, its suffragan dioceses were designated, and other rights were regulated. Besides it was accorded that the Portuguese governors should publicly assign sufficient property in protection of the canons, clergy and seminaries of each diocese already mentioned. These same people should cooperate with the bishops for establishing schools for young boys, dwellings and nurses for orphan girls, and for arranging religiously other matters which are seen to be beneficial to the salvation of the Christians or can remove the superstitions of the pagans. For these reasons, and not without basis, we are confident that the concord of hearts of the Christian people in India will be firm and quiet and we believe that the proper time has arrived for the organization of the Catholic Church in the whole Ganges peninsula in order that those peoples who ascend the prepared

mountain of the Lord's abode may feel the benefit of a stable and well-ordered government.

The Northern region of the Indies consists of three vicariates as the ancient Hindustan mission bifurcated into two by Gregory XVI in the year 1845, was divided by us into three in these last years: Agra, Patna and Punjab as separate ecclesiastical regions. The first vicariate is composed of the old territory, except for the parts assigned to the other ones; the second vicariate comprises the regions of Nepal, Bihar, the small province of Sikkim, the old kingdoms Ayodhya, and Bundelkand as well as other neighbouring territories. The third one is limited to the Punjab region, to which the kingdom of Kashmir was then added.

Below this, close to the Indus river, lies the Bombay mission, which Pious IX divided into two parts in 1864 and disjoined the southern region or Poona from the north. This mission, in addition to the islands of Bombay and Salsette, contains the provinces and kingdoms of Broach, Ahmedabad, Barada, Gujarat, Marwar, Catch, Sindh, Beluchistan, as far as Kabul and Punjab. The South vicariate (Poona) consists of the kingdoms and provinces of Konkan, Kandeish and Dekkan as far as the boundaries of the kingdoms of Nizam, Myssour and northern Kanara, having excepted from both the territories and provinces recently assigned to the archdiocese of Goa, as well as to the archdiocese of Damau or Crangannore. Following through the Kanara and Malabar coast in addition to the archdiocese of Goa, three vicariates are situated between the Gates mountains and the western sea, namely Mangalore which in 1853 was separated from Verapoly or Malabar, which extends through the province of Canara up to the Ponany river; the vicariate of Verapoly extends from the same river to the boundaries of the diocese of Cochin which was recently restored by us; and the vicariate of Quilon stretches from the southern boundaries of the



same diocese up to the promontory of Comorin, except for the parishes which were assigned to the diocese of Cochin.

Ten missions belong to the eastern coast of the peninsula. In the plain of Bengal in the area of the effluents of the river Ganges there exist three circumscriptions: namely the western vicariate constituted in the city of Calcutta, and the eastern one, both derived from the same Bengal mission in the year 1850. However, those who are said to be under the jurisdiction of the bishop of Mylapore must be excluded from those subject to both the above vicariates. To these is added the apostolic prefecture erected at the centre of the civil province of Bengal in 1855. The huge mission called Vizagapata borders on the West Bengal vicariate and this includes the whole territory between the boundaries of the vicariate of Bombay and the sea of Bengal as far as the Godavery river to the south. In 1850 it was separated from the Madras mission. The nearby mission of Hyderabad which extends through the kingdom of Nizam and the province of Masulipatanam up to the Krishna river was designated by Gregory XVI and was promoted to the dignity of a vicariate by Pius IX in 1851.

On the Coromandel coast there exists the important city of Madras, which obtained a vicar apostolic in 1834, whose jurisdiction extends from the Krishna river as far as Palar between the boundaries of the Bombay mission and the sea; afterwards this part was removed and recently assigned by us to the diocese of Mylapore. Towards the south western boundaries, the old vicariate of the Coromandel coast was divided into three missions in the year 1850, namely Pondicherry between the Palar river to the north and the Cavery river to the south; Mysore to the western part which includes the kingdom of this name and the provinces of Coorg, Collegal, part of Wynad and Salem; and lastly Coimbatore which is situated between the missions

of Verapoly, Mangalore and Madras to the east of the Ghates mountains. The great Madurai mission lies to the west of the Madurai peninsula which is surrounded by the Coromandel sea, the Ghates mountains and the Vettar and Cavery rivers, as well as by those regions and places which we assigned to the bishop of Mylapore. In 1846 Gregory XVI, a few days before his death, constituted the mission into a vicariate.

The island of Ceylon is divided into three vicariates, Colombo, Jaffne and Kandy: of which the first two were formed from the only one previously existing there and were erected by Pius IX in 1849, assigning the western and southern provinces to the one and the remaining territories of the island to the other. The third was established by us in 1883 in the central part of the island separated from the aforementioned two.

As in all the missions of India which we have mentioned, owing to the zeal and labour of the heralds of the Gospel, Christianity has made such great progress that not only is the name of our Saviour very freely invoked but also the churches are numerous and abound in wise and useful institutions, first of all we acknowledge and thank the almighty and most benevolent God for bringing forth such prosperity to the Catholic name. We are now about to perform a task which our predecessors had in mind for a long time, namely to establish an ecclesiastical hierarchy in India and in the island of Ceylon. We are confident that with God's help many benefits will derive from this: namely, an increase of concord and charity, uniformity and firmness of discipline, more stable unity of those peoples with their bishops and particularly with the Roman Pontiff and a more expeditious propagation of the Catholic faith together with a greater cultivation of Christian values.

Wherefore, as the serious nature of the matter required, after asking the opinion of our venerable brothers, the Cardinals of the Holy Roman Church appointed to the sacred council for the

propagation of the Christian name, after pouring forth prayers to Almighty God in humility from the profundity of our heart, and after imploring the help of the Immaculate Mother of God and that of the Saints Peter and Paul, as well as of the holy Apostle Thomas and Saint Francis Xavier who many years ago brought the light of the Gospel to those peoples and who now guard and protect them with their heavenly patronage, we, with a sure knowledge and after mature deliberation, from the plenitude of our apostolic power, with the authority of this letter establish “*motu proprio*” an episcopal hierarchy covering all the missions of the East Indies according to the prescriptions of canon law for the greater glory of God and the increase of the Catholic faith.

Furthermore, following in the footsteps of our predecessors, who first erected the archdiocese of Goa and then the dioceses of Cochin, Mylapore and Cranganore as suffragans to it, and in accordance with the recent agreement with the illustrious and most faithful king of Portugal and the Algarves, we confirm the same dioceses and wish them to be reunited again into one ecclesiastical province.

Moreover, by our own apostolic authority, we erect and constitute, according to the tenor of this letter, all the vicariates apostolic of the whole peninsula and those of the island of Ceylon, which we described above, as well as the prefecture situated in the centre of the Bengal province, as episcopal Churches (dioceses). From the new dioceses we promote to the honour of archiepiscopal dignity the Churches (dioceses) of Agra, Bombay, Verapoly, Calcutta, Madras, Pondicherry and Colombo. As regards the designation of provincial or suffragan Churches we shall be at liberty to determine what is seen to be more expedient.

In due time the archbishops and the bishops, as regards the particular status of their Churches, shall refer to our Congregation for the Propagation of the Faith which as until now exercised

particular care for these regions, shall continue to do so in the future and shall examine all matters which the bishops will propose to it in the execution of their office.

The archbishop of Goa and his suffragans shall refer to the Sacred Congregation for the extraordinary affairs of the Church concerning the status of their Churches. They shall pursue piously and profitably all matters with the utmost care according to the afore-mentioned agreement, as well as protect and spread with every means the Catholic faith, each one within the boundaries of his own jurisdiction.

However, it will be entirely in the hands of all the Indian bishops to discern gradually those matters which must be placed under the common law; as time permits they may be able to consult together about all those matters which the general discipline of the Church has committed to the authority of the bishops. It shall be our task and that of the Apostolic See to assist the bishops in accomplishing their duties, by being present with our authority, support and advice, as well as to help in every possible manner for those matters which seem to be advantageous and beneficial for the salvation of souls.

For the rest, we vehemently exhort that all the clergy and the people should maintain concord of mind, preserve charity inviolately, obey as willing and zealous people the bishops and above all the Apostolic See throughout life, and they shall show themselves so adorned and enriched with Christian virtues that even by their example they themselves may call back to the wonderful light and kingdom of Christ those who even now are wretchedly straying away from the truth.

Finally, we decree that this letter of ours cannot at any time, by any defect of subreption or deception or by any fault of our intention be censured or impugned, and it will be for ever valid

and lasting, as well as obtain its effect in everything, and must always be inviolably observed, and not withstanding general or special decrees, apostolic or synodal, promulgated in provincial and universal councils, and whatsoever else to the contrary, even meriting particular mention: we explicitly derogate from all these in so far as they thwart what has been said above. We also decree that it shall be null and void if anyone were to attempt to do otherwise over these provisions by any authority knowingly or unknowingly. Yet we wish the exemplars of this letter even printed, countersigned by a public notary, fortified by the seal of any man constituted in ecclesiastical dignity, shall have the same credence which would be granted to the indication of our will, as the document itself has been demonstrated.

Let it be unlawful for anyone to infringe upon or dare temerarily to contradict this document of our erection, constitution, institution, restitution, dismemberment, suppression, assignment, annexation, attribution, decree, mandate and will. If anyone should presume to attempt such a thing, he shall know that he incurs the wrath of Almighty God and of his blessed Apostles Peter and Paul.

Given in Rome, at St. Peter's, on 1 September 1886, the ninth year our Pontificate.



# LITTERAE APOSTOLICAE QUIBUS DUO PRO CHRISTIFIDELIBUS RITUS SYRO-MALABARICI CONSTITUUNTUR VICARIATUS APOSTOLICI

LEO PP. XIII

Ad futuram rei memoriam

**Q**uod iampridem Praedecessoribus Nostris in votis fuit, ut ecclesiastica Hierarchia in Indiis Orientalibus constitueretur, id ex Apostolico munere quo, licet immeriti, fungimur, efficere aggressi sumus. Quod cum praestiterimus Apostolicis Litteris, quarum initium “Humanae salutis auctor” kalendis Septembribus anno superiore datas, pro sollicitudine Ecclesiarum omnium Nobis divinitus commissarum, peculiarem curam catholicorum ritus Syro-Malabarici habere volumus, eaque in re eorundem Praedecessorum Nostrorum vestigiis inhaesimus, qui nihil intentatum reliquerunt, ut praedicti ritus fideles in iisdem regionibus commorantes, ad catholicam veritatem et unitatem reducerentur, neque ullis postea conatibus haereticae vel schismaticae pravitatis ab ea se paterentur avelli. Quocirca ad eorundem fidem, obedientiam et devotionem erga Apostolicam Sedem eo potiori modo remunerandam quo in



praesens rerum circumstantiae fieri posse suadebant, atque ut penes ipsos vera Christi Ecclesia maiorem in dies incrementa suscipiat, auditis et assentientibus Archiepiscopis et Episcopis Indiae centralis et meridionalis in civitatem Bangalorem synodaliter convenientibus, praeside Venerabili Fratrem Apostolico Indiarum Orientalium Delegato, deque consilio VV. FF. NN. S. R. E. Card. Congregationi Fidei Propagandae pro ritus orientalis negotiis praepositorum haec quae infrascripta sunt constituenda censuimus. Itaque motu proprio, atque ex certa scientia et matura deliberatione Nostris, praesentium vi mandamus, ut peracta rituali separatione catholicorum Syro-Malabarensium a latinis, duo pro illis constituentur Vicariatus Apostolici committendi Episcopis latinis, qui sibi assumant Vicarium Generalem Syro-Malabarensium privilegio condecorandum exercendi proprio ritu pontificalia, et confirmationis sacramentum, chrismate tamen ab Episcopo consecrato, conferendi; nec non alios quatuor viros ecclesiasticos eiusdem gentis et ritus eligant, quorum consilio in omnibus ecclesiasticis negotiis utantur. Insuper praecipimus ut praedictorum Vicariatuum Apostolicorum territorialis divisio fiat per naturales limites fluminis “Alavay” quod ab urbe “Maleatar” Malabaricam regionem intersecat, usque ad mare prope urbem “Cochin”, ita ut primus Vicariatus sit septentrionalis cum ordinaria residentia Apostolici Vicarii in urbe “Trichoor” unde appellationem sumet; alter sit meridionalis cum ordinaria residentia proprii Vicarii Apostolici in urbe << Cottayam << a qua nomen accipiet. Decernentes praesentes Litteras firmas validas et efficaces semper existere et fore, suosque plenarios et integros effectus sortiri et obtinere, ac illis ad quos spectat, et pro tempore quomodolibet spectabit, in omnibus et per omnia plenissime suffragari, et irritum esse et inane si secus super his a quequam, quavis auctoritate, scienter vel ignoranter, contigerit attentari. Non obstantibus Constitutionibus et ordinationibus Apostolicis, nec non Benedicti XIV Praedecessoris Nostri



recol. mem. super divisione materiarum aliisque speciali licet atque individua mentione ac derogatione dignis in contrarium facientibus quibuscumque. Volumus autem ut praesentium Litterarum transumptis seu exemplis etiam impressis manu alicuius Notarii publici subscriptis et sigillo personae in ecclesiastica dignitate constitutae munitis, eadem prorsus fides adhibeatur, quae adhiberetur ipsis praesentibus si forent exhibitae vel ostensae.

Datum Romae apud S. Petrum sub anulo Piscatoris die xx Maii MDCCCLXXXVII, Pontificatus Nostri anno decimo.





# APOSTOLIC LETTER CONSTITUTING TWO VICARIATES APOSTOLIC FOR THE CHRISTIAN FAITHFUL OF THE SYRO-MALABAR RITE

POPE LEO XIII

For future memory

What had long been the wish of our predecessors, namely the constitution of an ecclesiastical hierarchy in the East Indies, we have undertaken to accomplish in virtue of the apostolic office, which albeit unworthy we exercise. After we had executed this with the apostolic letter *Humanae salutis auctor*, given on 1 September last year, in our solicitude for all the Churches divinely committed to us, we wish to have particular care of the Catholics of the Syro-Malabar rite, in this matter following closely in the footsteps of our same predecessors, who left nothing undone in order that the faithful of the aforesaid rite dwelling in those regions, might be brought back to Catholic truth and unity and that they might not permit themselves to be separated from it afterwards by any efforts of heretical and schismatic perversity. Wherefore, in order to reward their faith, obedience and devotion to the Apostolic See

in a better possible manner than at present the circumstances of things permitted and in order that the true Church of Christ may increase among them day by day, after asking and obtaining the consent of the archbishops and bishops of central and southern India, collegially assembled in the city of Bangalore, presided over by our venerable brother the apostolic delegate of the East Indies and the opinion of our venerable brothers the Cardinals of the Holy Roman Church, appointed for the affairs of Oriental rite at the Congregation for the Propagation of the Faith, we have decided to establish what follows. And thus by our own initiative (*motu proprio*), with a sure knowledge and after mature deliberation, by force of the present letter we order that, after a ritual separation of the Syro Malabar Catholics has been made from the Latin Christians, two vicariates apostolic be constituted for them to be committed to Latin bishops, who should each appoint a Syro-Malabar vicar general to whom should be given the privilege of exercising in his own rite pontifical ceremonies, and of conferring the sacrament of confirmation, with chrism nevertheless consecrated by a bishop; and they shall choose four ecclesiastics of the same nation and rite and shall avail themselves of their advice in all ecclesiastical affairs. Moreover, we order that the territorial division of the said vicariates apostolic be made according to the natural boundaries of the river Alwaye which from the town of Malayattoor divides the region of Malabar till it flows into the sea near the town of Cochin, so that the first vicariate is of the north with the ordinary residence of the vicar apostolic in the city of Trichur, from which city it will take its name; the second will be in the south with the ordinary residence in the city of Kottayam from which it will derive its name. We decree that this present letter is and will always be firm, valid and efficacious and that it will obtain and maintain full and complete effect and will provide the fullest support in all things and in every respect for those whom it concerns or will concern at any time in the future, and that it would be null and void if anyone should presume to do otherwise over these decisions by any

authority, knowingly or unknowingly. Notwithstanding apostolic constitutions and ordinances, including those of our predecessor Benedict XIV of happy memory concerning the division of the matters and other things, even if deserving special and particular mention and derogation and whosoever doing the contrary. Yet we wish that the same credit, which would be accorded to this letter itself, if it were displayed or exhibited, shall be bestowed on the transcriptions of the present letter, even printed ones, signed by a public notary and sealed by a person constituted in an ecclesiastical dignity.

Given in Rome, at St. Peter's under the ring of the Fisherman on 20 May 1887, the tenth year of our Pontificate.





**LITTERAE APOSTOLICAE QUIBUS  
VICARIATUS APOSTOLICI  
TRICHURENSIS, ERNACULAMENSIS ET  
CHANGANACHERENSIS ERIGUNTUR**

LEO PP. XIII

Ad perpetuam rei memoriam

Quae rei sacrae procurationi melius gerendae facere possint, et quae catholico nomini aeternaeque fidelium saluti bene, prospere ac feliciter eveniant, ea Nos pro supremi Apostolatus officio Nobis commisso libenter exequimur, atque in id potissimum curas omnes Nostras cogitationesque intendimus, nimirum ut in regionibus longo terrarum marisque tractu disiunctis, aucto Pastorum numero, satius christiani gregis incolumitati ac bono consultum sit. Et sane hoc consilio adducti ut spirituali fidelium Syro-Malabarensium regimini prospiceremus, Apostolicis litteris die XX Maii mensis anno MDCCCLXXXVII datis mandavimus, ut, peracta rituali separatione eorumdem Malabarensium a Latinis, duo pro illis constituerentur Vicariatus Apostolici, Episcopis latinis committendi, simulque praecipimus, ut horum Vicariatuum

territorialis divisio fieret per naturales limites fluminis Alway, quod ab urbe Maleatur Malabaricam regionem intersecat usque ad mare prope urbem Cochin, ita ut primus Vicariatus esset septentrionalis cum ordinaria residentia Apostolici Vicarii in urbe Trichur, alter vero meridionalis cum ordinaria residentia proprii Vicarii Apostolici in urbe Kottayam. Nunc vero quum, attento praesertim fidelium numero, atque inspectis peculiaribus locorum ac personarum adiunctis, per opportunum Nobis visum sit, ut tres pro Syro-Malabarensibus Vicariatus Apostolici constituentur, quo satius spirituali emolumento fidelium regionum illarum consulamus, omnibus rei momentis attento ac sedulo studio perpensis cum VV. FF. NN. S. R. E. Cardinalibus Congregationi Fidei propagandae pro negotiis Ritus Orientalis praepositis, haec quae infra scripta sunt, de consilio eorumdem Fratrum Nostrorum decernentes, novum benevolentiae Nostrae argumentum erga Syro-Malabarenses Ecclesiam exhibendum existimavimus. Quae quum ita sint, motu proprio atque ex certa scientia et matura deliberatione Nostris, deque Apostolicae potestatis plenitudine, praesentium vi, nova inita totius regionis circumscriptione, tres pro Syro-Malabarensibus constituimus Vicariatus Apostolicos a Sancta Sede immediate dependentes, videlicet Vicariatum Trichurenses, Ernaculamensem et Changanacherensem, quorum tamen territorium eatenus patere volumus, quatenus patebat duplex prior Vicariatus, Trichurensis nempe et Kottayamensis. Singulorum autem Vicariatuum limites hoc modo definiendos praecipimus. Primo, Vicariatus Apostolicus Trichurensis cum ordinaria Vicarii residentia in urbe vulgo Trichur nuncupata, a finibus dioecesis Mangalorensis et Coimbatorensis porrigatur usque ad flumen Shalacoodee, quod prope Cranganore in Oceanum influit. Secundo, Vicariatus Apostolicus Ernaculamensis cum ordinaria Vicarii residentia in urbe Ernaculam, reliquas ecclesias complectatur veteris Vicariatus Trichurensis ad sinistram fluminis Shalacoodee oram,



nec non triplicem Decanatum Edapally, Arakuye, et Pallipuram una cum tribus ecclesiis Suddistarum Chumkam, Caringott, et Bramangalam. Tertio, Vicariatus Apostolicus Changanacherensis cum ordinaria Vicarii residentia in urbe Changanachery, complectatur quinque Decanatus, Anakalumkel, Palah, Muttichira vel Coravalangat, Changanachery, et Callurkatt cum omnibus ecclesiis et sacellis Suddistarum intra ambitum huius territorii collocatis. Decernentes has Nostras litteras firmas, validas et efficaces existere et fore, suosque plenarios et integros effectus sortiri et obtinere, illisque ad quos spectat et spectare poterit in omnibus et per omnia plenissime suffragari, sicque in praemissis per quoscumque iudices ordinarios et delegatos iudicari et definiri debere, atque irritum et inane si secus super his a quoquam quavis auctoritate, scienter vel, ignoranter, contigerit attentari. Non obstantibus Nostra et Cancellariae Apostolicae regula de iure quaesito non tollendo, aliisque constitutionibus et Ordinationibus Apostolicis, ceterisque contrariis quibuscumque.

Datum Romae apud S. Petrum sub anulo Piscatoris die XXVIII Iulii MDCCCXCVI, Pontificatus Nostri anno decimo nono.





# APOSTOLIC LETTER ERECTING THE VICARIATES APOSTOLIC OF TRICHUR, ERNAKULAM AND CHANGANACHERRY

POPE LEO XIII

For perpetual memory

**I**n virtue of the office of the supreme apostolate entrusted to us, we willingly accomplish those things which can enhance the procuration of the sacred (thing) in a better manner and which may fruitfully, prosperously and benevolently affect the Catholic name and the eternal salvation of the faithful, and especially we direct all our attention and thoughts to that which, in regions separated (from us) by vast areas of lands and seas, after an increase in the number of pastors, may surely contribute to the safety and good of the Christian flock in a more adequate manner. Indeed having been prompted by this consideration, in order to provide for the spiritual government of the Syro-Malabar faithful, in the apostolic letter given on 20 May 1887, we ordered that after a ritual separation of the Syro-Malabar Catholics had

been made from the Latin Christians, two vicariates apostolic should be constituted for them to be committed to Latin bishops and at the same time we enjoined that the territorial division of the said vicariates apostolic should be made according to the natural boundaries of the river Alwaye which from the town of Malayattoor divides the region of Malabar till it flows into the sea near the town of Cochin, so that the first vicariate should be in the north with the ordinary residence of the vicar apostolic in the city of Trichur; the other should be in the south with the ordinary residence of its vicar apostolic in the city of Kottayam. Now indeed, especially given the number of the faithful and having considered the particular circumstances of the places and the peoples, since it seemed to us very opportune to constitute three vicariates apostolic for the Syro-Malabar people, in order to provide more adequately for the spiritual benefit of the faithful of those regions, after we had examined by careful and sedulous study all things of importance together with our venerable brothers the Cardinals of the Holy Roman Church, appointed for the affairs of the Oriental rite at the Congregation for the Propagation of the Faith, in decreeing what follows in accordance with the favourable opinion of our same brothers, we judged that a new proof of our benevolence towards the Syro-Malabar Church should be manifested. Hence, by our own initiative, with a sure knowledge and after mature deliberation, from the fullness of our apostolic power, by force of the present letter, after effecting a new division of the entire region, we constitute three vicariates apostolic immediately dependent on the Holy See for the Syro-Malabarians, namely the vicariates of Trichur, Ernakulam and Changanacherry, whose territory we wish to extend so far as that of the two former vicariates, namely Trichur and Kottayam. We order that the boundaries of each of these vicariates be defined in the following manner. First of all, the vicariate apostolic of Trichur with the ordinary

residence of the vicar in the town commonly known as Trichur, shall extend from the boundaries of the diocese of Mangalore and Coimbatore as far as the river Chalakudy, which flows into the Ocean near Cranganore. Secondly, the vicariate apostolic of Ernakulam with the ordinary residence of its vicar in the city of Ernakulam, embraces the remaining churches of the former vicariate of Trichur to the left bank of the river Chalakudy, as well as the three deaneries of Edappally, Arakuzha, and Pallipuram along with the three churches of the Southists, namely Chumkam, Caringott and Bramangalam. Thirdly, the vicariate apostolic of Changanacherry with the ordinary residence of the vicar in the city of Changanacherry comprises the five deaneries of Anakkallumkel (Bharananganam), Palai, Muttuchira or Kuravilangad, Changanacherry and Kalloorkatt with all the churches and chapels of the Southists, situated within the limits of this territory. We decree that this letter of ours is and will be firm, valid and efficacious and that it will obtain and maintain full and complete effect and will provide the fullest support in all things and in every respect to those whom it concerns or will concern at anytime, and thus it must be judged in the matters set above by whomsoever judges, ordinary or delegated, and it would be null and void if anyone should presume to do otherwise concerning these matters, by any authority, knowingly or unknowingly. Notwithstanding our regulation and that of the apostolic chancellery on the acquired right that cannot be abrogated and other constitutions and apostolic ordinances, and whatsoever else to the contrary.

Given in Rome, at St. Peter's under the ring of the Fisherman, on 28 July 1896, the nineteenth year of our Pontificate.





LITTERAE APOSTOLICAE QUIBUS  
VICARIATUS APOSTOLICUS  
SUDDISTICUS KOTTAYAMENSIS  
ERIGITUR

PIUS PP. X

Ad perpetuam rei memoriam

In universi christiani gregis regendi munere, Nobis  
I

divinitus commisso, Nostrum praesertim esse ducimus  
eos Ecclesiis fines terminare qui cum Praesidum optatis, tum  
fidelium bono apprime spondeant. Hac mente adducti, quo  
gentis Syro-Malabaricae fidei ac pietati melius consultum sit,  
novum Vicariatum apostolicum illorum regione constiuere  
decrevimus. In hac enim natione rec: mem: Leo Papa XIII  
Decessor Noster suis hisce similibus litteris, die duodetricesimo  
julii anno MDCCCXCVI datis, tres apostolicos Vicariatus, id  
est Trichurenses, Ernakulamensem et Changanacherensem  
condidit, eisque tres antistites, ex ipso Syro Malabarico populo  
delectos, praeficiendos censuit et curavit. Nunc vero cum  
tres Vicarii apostolici eorundem, quos supra memoravimus,  
Vicariatuum, initis inter se consiliis, per epistolam diei primi

martii hujus vertentis anni, a Nobis enixe petierunt, ut ad spirituali illarum regionum commoditati satius prospiciendum, et ad dissidentium animos conciliandos, novus apostolicus Vicariatus in urbe vulgo “Kottayam” nuncupata erigeretur; Nos omnibus rei momentis cum VV.FF.NN.S.R.E. Cardinalibus S. Congregationis Christiano nomini propagando pro negotiis ritus orientalis, mature ac sedulo perspectis, hujusmodi preces benigne accipere, ac novum praefatae nationi benevolentiae Nostrae pignus exhibere statuimus. Quare motu proprio, ex certa scientia ac de potestatis Nostrae plenitudine a duplici Vicariatu apostolico Ernakulamensi ac Changanacherensi omnes paroecias et Ecclesias Suddisticas dismembramus, easque in novum Vicariatum apostolicum in urbe vulgo “Kottayam” pro gente Suddistica constituimus, qui idcirco complectatur omnes Ecclesias et sacella pertinentia ad Decanatum Kottayamensem et Kaduthuruthensem in Vicariatu apostolico Changanacherensi una cum Ecclesiis Suddisticis apostolici Vicariatus Ernakulamensis. Haec volumus ac praecipimus, decernentes presentes Litteras firmas, validas et efficaces existere et fore, suosque plenarios et integros effectus sortiti et obtinere, illisque ad quos spectat et in posterum spectabit, plenissime suffragari, sicque in praemissis judicandum esse, atque irritum fieri et inane, si secus super his a quoquam, quavis auctoritate, scienter vel ignoranter contigerit attentari. Non obstantibus Nostrae Cancellariae apostolicae regula de jure quaesito non tollendo aliisque constitutionibus apostolicis in contrarium facientibus quibuscumque.

Datum Romae apud S. Petrum, sub anulo Piscatoris, die XXIX Augusti MDCCCXI, Pontificatus Nostri anno nono.



## APOSTOLIC LETTER ERECTING THE SOUTHIST VICARIATE OF KOTTAYAM

POPE PIUS X

For perpetual memory

In the office of governing the universal Christian flock divinely committed to us, it is especially our task to set those boundaries to the Churches, which the desires of those who govern and above all the good of the Christian faithful warrant. Having been prompted by this intention, in order to better provide for the faith and piety of the Syro-Malabar people, we have resolved to constitute a new vicariate apostolic in their region. Indeed, in the same nation, our predecessor Pope Leo XIII of happy memory by a similar letter given on 28 July 1896 founded the three vicariates apostolic of Trichur, Ernakulam and Changanacherry, deciding and taking care to appoint three bishops chosen from the Syro-Malabar community itself. But now the three vicars apostolic of the same vicariates, which we have mentioned above, after they had made consultation among themselves, by the letter of 1 March of this year eagerly requested us to erect a new vicariate apostolic in the city called Kottayam in the local language for providing in a more adequate manner for the spiritual benefit of



those regions and for pacifying the minds of the dissidents; we, after having examined sedulously and opportunely all matters of importance together with our venerable brothers the cardinals of the Holy Roman Church for the affairs of the oriental rite at the Congregation for the Propagation of the Christian name, decided to accept benignly their requests and to exhibit a new proof of our benevolence to the said nation. Wherefore, by our own initiative, with sure knowledge and with the plenitude of our power we dismember from the vicariates apostolic of Ernakulam and Changanacherry all the Southist parishes and churches, and we constitute them into a new vicariate apostolic in the city called Kottayam for the Southist community, which therefore encompasses all the churches and chapels belonging to the deaneries of Kottayam and Kaduthuruthy in the vicariate apostolic of Changanacherry together with the Southist churches in the vicariate apostolic of Ernakulam. We wish and prescribe these things, deciding that the present letter is and will be firm, valid and efficacious and that it will obtain and maintain full and complete effect and will provide full support in all things and in every respect for those whom it concerns or will concern in the future, and thus it must be judged concerning the matters set above and it would be null and void, if anyone should presume to do otherwise concerning these matters, by whatever authority, knowingly or unknowingly. Notwithstanding the regulation of our apostolic chancellery on the acquired right that cannot be abrogated and other apostolic constitutions, and whatsoever else to the contrary.

Given in Rome, at St Peter's under the ring of the Fisherman, on 29 August 1911, the ninth year of our Pontificate.

# CONSTITUTIO APOSTOLICA DE ECCLESIASTICA HIERACHIA RITUS SYRO-MALABARICI CONSTITUENDA

PIUS EPISCOPUS

Servus servorum Dei

Ad perpetuam rei memoriam

**R**omani Pontifices, qui si rigide sane ac severe fidei  
et morum integritatem omni tempore defenderunt,  
libenter contra permiserunt, ut singulae Ecclesiae suos ritus  
suamque servarent liturgiam, Orientales Ecclesias praecipuo  
amore semper dilexerunt.

Huiusmodi Praedecessorum Nostrorum dilectionem, non  
minus quam aliae, etiam Ecclesia Syro-Malabarica experta est,  
quippe quae plurima ab Apostolica Sede acceperit beneficia.

Iure equidem. Nam Ecclesia illa nobilem inter Orientales  
obinet locum, quum originem ducat ex antiquissimis christianis  
communitatibus, quae a Thoma Apostolo lucem Evangelii  
receperunt. Apostolus enim ille, ut vetera literarum monumenta  
testantur, Christo in caelos recepto, in regionibus Indiae finitimis



Evangelium praedicavit, ac demum in paeninsulam ultra Indum migravit, ibique ut fel. rec. Leo Papa decimus tertius, sapientissimus Praedecessor Noster, in suis Apostolicis sub plumbo litteris *Humanae salutis auctor*, kalendis septembris anni Domini millesimi octingentesimi octogesima sexti Romae datis, refert - “difficillima peregrinatione suscepta, gravissimis exantlatis laboribus, primus eas gentes christianae veritatis luce collustravit, redditoque summo animarum Pastori sanguinis sui testimonio, ad sempiterna in caelis praemia evocatus est”.

Apostoli vero memoria, etiam post eius gloriosam mortem, in India permansit. Qua de re idem Praedecessor Noster in praefatis litteris haec scribit: “Exinde Apostolum praeclare de ea regione meritum colere India non omnino intermisit; in vetustissimis libris liturgicarum precum allisque illarum Ecclesiarum monumentis Thomae nomen et laudes celebrari consueverunt, atque, insequentibus saeculis, post ipsam errorum luctuosam propagationem, nequaquam est eius deleta memoria; itemque fides, quam ille disseminaverat, tametsi intermortua iacuit, non tamen exstincta funditus esse visa est”.

Thomae praedicationis et martyrii fama regioni SyroMalabaricae praecipue inhaesit. Christifideles enim illam regionem incolentes “Christiani divi Thomae” semper appellati sunt, qua denominatione ipsi tantum in India - quod notatu dignum est - insigniti fuerunt, atque penes illos multa exstant pervetusta templa eidem Apostolo dicata, et plurimi inveniuntur qui *Thomae* nomen filiis suis in baptismo imponunt.

Malabarenses itaque, quamquam, et propter temporum adiuncta et propter ingens locorum intervallum, quod difficillima cum orbe occidentali commercia reddebat per tot saecula, ab Apostolica Sede seiuncti, numquam tamen christianam fidem omnino amiserunt.

Ex quo evenit ut primi Missionarii, qui saeculo decimo sexto in Indiam appulerunt, in incolis regionis Malabaricae, qui fidem christianam, licet laeuescentem, servabant, “bonam terram” invenerint, ad recipiendum verbum Dei, quod ipsi serebant, valde aptam.

Deo autem propitio, et primi illi Missionarii, et alii qui, eorum vestigia insequentes, in eadem regionem postea migravere, exoptatum fructum ex suis laboribus consecuti sunt.

In dies enim crevit numerus christianorum Syro-Malabarensium, qui doctrinam catholicam et cum Sede Romana communionem amplexati sunt.

Temporum autem progressu talia suae fidei et erga Petri Cathedram devotionis christiani illi exhibuerunt testimonia, ut fel. rec. Leo Papa decimus tertius, Praedecessor Noster, anno millesimo octingentesimo octogesimo septimo, catholicorum ritus Syro-Malabarici peculiari curae prospiciens, ac “ut eorum fidem, obedientiam et devotionem erga Apostolicam Sedem aliquo modo remuneraret, utque penes ipsos vera Christi Ecclesia maiora in dies incrementa susciperet”, per Breve *Onodiam pridem*, die vigesima mensis maii datum, rituali separatione catholicorum Syro-Malabarensium a Latinis peracta, ipsos ab Ecclesia Verapolitana, cui addicti erant, seiunxit, et duos pro illis vicariatus apostolicos constituit, committendos Episcopis Latini ritus, qui vero sibi Vicarium generalem Syro-Malabarensium assumerent, ac alios quatuor ecclesiasticos viros eiusdem gentis et ritus, quorum consilio in omnibus ecclesiasticis negotiis uterentur.

Tunc itaque, per territorialem divisionem a flumine *Aluvay* ductam, duo vicariatus apostolici constituti sunt pro Syro-Malabarensibus, septentrionalis unus, cum ordinaria residentia in urbe *Trichur*, a qua vicariatus ipse *Trichuriensis* appellatus est,

meridionalis alter, cum ordinaria residentia in urbe *Kottayam*, a qua vicariatus propriam denominationem, *Kottayamensem* nempe, tulit.

Anno vero millesimo octingentesimo nonagesimo sexto idem Praedecessor Noster Leo Papa decimus tertius, attentis locorum temporumque adiunctis, “ad novum benevolentiae argumentum erga Syro-Malabarensis Ecclesiam exhibendum, et ad spirituali emolumento fidelium illarum regionum consulendum”, per Breve *Quae rei sacrae*, die decima octava mensis iulii datum, nova inita totius regionis circumscriptione, tres pro Syro-Malabarensibus vicariatus apostolicos, Sanctae Sedi immediate subiectos, constituit, videlicet *Trichuriensem*, *Ernaculamensem* et *Changanacherensem*, quorum territorium eatenus patere voluit, quatenus patebat duplex prior vicariatus, Trichurensis nempe et Kottayamensis. Singulorum autem novorum vicariatuum limites per idem Breve accurate definivit. Quod autem notatu diguum est, quia ecclesiasticae hierarchiae Praesulibus eiusdem gentis et ritus concredita signat initium, idem Summus Pontifex tribus, quos supra diximus, novis apostolicis vicariatibus tres Antistites, ex ipso Syro-Malabarico populo rituque delectos, praeficiendos censuit et curavit.

Anno autem millesimo nongentesimo decimo primo, fel. rec. Pius Papa decimus, Praedecessor Noster, preces a tribus Vicariis Apostolicis Syro-Malabarensibus Apostolicae Sedi oblatas benigne excipiens, re mature perpensa, per Breve *In universi christiani*, die vigesima nona mensis augusti eiusdem anni datum, a duplici vicariatu apostolico Ernaculamensi et Changanacherensi omnes paroecias et ecclesias, Suddisticae, quam vocant, genti pertinentes, dismembravit, easque in novum apostolicum vicariatuum, cum residentia in urbe Kottayam, ac propterea Kottayamensem nuncupandum, constituit. Exinde Ecclesiae Malabaricae, qui adhuc permanet, status, initium

habuit, divisio nempe illius christianitatis in quatuor vicariatus apostolicos, *Trichurensem* videlicet, *Ernaculamensem*, *Changanacherensem* et *Kottayamensem*.

A die autem, qua fideles ritus Syro-Malabarici proprii ritus et nationis obtinuerunt Antistites, omnimode salutare fecerunt progressus. Non solum, enim, penes ipsos crevit numerus religiosarum vocationum, valdeque est auctus numerus conversionum, sed et magnum habuere incrementum religiosa instituta, utpote catechumenatus, scholae, religiosae domus, ecclesiae et oratoria, unde luculenter patet quam sedulo ac prudenter gregem sibi commissum Praesules nationis Syro-Malabarensis regant. Concors itaque fuit hoc tempore Apostolicorum in India Orientali Delegatorum sententia, christianas communitates Syro-Malabaricas longe inter meliores Indiae universae censendas esse.

Aequum igitur ac rectum existimandum est quod fideles, sacerdotes et maxime Antistites ritus Syro-Malabarici saepe ab Apostolica Sede flagitarunt, ut, nempe, Ecclesiae illi concederetur perfecta et stabilis constitutio ecclesiastica, cuius tanta vis est ad tutandam vitae christianae disciplinam salutemque populis pariendam.

Quapropter Nos, prae oculis habentes egregiam apud Syro-Malabarenses rei catholicae temperationem, eorumque vere consentaneos christianae professioni mores, singularem erga Beatissimam Virginem Mariam pietatem, atque in clerum, in Episcopos, praecipueque in hanc Apostolicam Sedem summam observantiam; praehabita sententia dilectorum filiorum Nostrorum S. R. E. Cardinalium Sacrae Congregationi pro Ecclesia Orientali praepositorum, qui unanimiter censuerunt ad ecclesiasticae hierarchiae ritus Syro-Malabarici constitutionem tandem deveniendum esse, oblatis precibus annuendum statuimus.

Suppleto igitur, quatenus opus sit, quorum intersit vel sua interesse praesumant, consensu, Apostolicae potestatis plenitudine, quatuor vicariatus apostolicos Syro-Malabarenses, in totidem sedes residentiales constituimus, quarum unam, *Ernaculamensem* videlicet, ad Ecclesiae Metropolitanae gradum et dignitatem evehimus et extollimus, ipsi propterea concedentes, eiusque pro tempore Archiepiscopis, omnia et singula iura, privilegia, honores et praerogativas, quae ipsis pertinent ex iure communi, et iuxta legitimas praescriptiones et legitimas consuetudines Ecclesiae Syro-Malabaricae, imprimis vero facultatem pro Archiepiscopis Pallio iuxta liturgicas leges utendi, in sacro Consistorio tamen antea postulando.

Tres alias sedes, *Changanacherensem* videlicet, *Trichuriensem* et *Kottayamensem* ad Ecclesiarum Cathedralium gradum et dignitatem pariter evehimus, ipsisque propterea, earumque pro tempore Episcopis, tribuentes iura, privilegia, honores et praerogativas, quae eisdem competunt ex iure communi et iuxta praescriptiones et legitimas consuetudines Ecclesiae Syro-Malabaricae. Quas cathedrales Ecclesias, earumque pro tempore Episcopos, suffraganeas constituimus metropolitanae Ecclesiae Ernaculamensi.

Limites tum archidioecesis Ernaculamensis, tum dioecesium Changanacherensis, Trichuriensis et Kottayamensis, iidem erunt ac limites qui hucusque singulis vicariatibus apostolicis, in sedes residentiales modo evectis, proprii erant.

Ad clericorum et fidelium iura et onera quod attinet, ac tum archidioecesis, tum dioecesium, sede vacante, regimen, aliaque huiusmodi, servanda iubemus quae sacri canones et legitimae consuetudines Ecclesiae Syro-Malabaricae statuunt ac praescribunt.

Tum Archiepiscopi Ernaculamensis, tum Episcoporum Changanacherensis, Trichuriensis et Kottayamensis cura erit



aptiorem ecclesiam in urbibus *Ernakulam, Changanacherry, Trichur* et *Kottayam* eligere, in qua sedes et cathedra, sive archiepiscopalis, sive episcopalis, sit constituenda. Quas proinde ecclesias Nos, ex nunc, ad gradum et dignitatem sive Metropolitanæ sive Cathedralium extollimus; simulque iubemus eas ecclesias, si parochiales fuerint, eandem etiam in posterum parochialitatem servare.

Praesentes autem Litteras et in eis contenta quaecumque, etiam ex eo quod quilibet, quorum interest, vel sua interesse praesumant, auditi non fuerint, vel praemissis non consenserint, etiam si expressa, specifica et individua mentione digni sint, nullo unquam tempore de subreptionis, vel obreptionis, aut nullitatis vitio, seu intentionis Nostræ, vel quolibet alio, licet subalterni et inexcogitato defectu notari, impugnari vel in controversiam vocari posse, sed eas, tamquam ex certa scientia ac potestatis plenitudine factas et emanatas, perpetuo validas existere et fore, suosque plenarios et integros effectus sortiri et obtinere, atque ab omnibus ad quos spectat inviolabiliter observari debere, et si secus super his a quocumque, quacumque auctoritate, scienter vel ignoranter contigerit attentari, irritum prorsus et inane esse et fore volumus ac decernimus.

Hisce itaque, ut supra, constitutis, ad eadem omnia exsequenda deputamus Nostrum in India Orientali Apostolicum Delegatum, ei propterea tribuentes necessarias et oportunas facultates, etiam subdelegandi, ad effectum de quo agitur, alium virum, in officio vel ecclesiastica dignitate constitutum, ac definitive sententiam dicendi de quavis difficultate vel oppositione in executionis actu oritura, facto insuper eidem onere ad Sacram Congregationem pro Ecclesia Orientali, infra sex menses a praesentibus Litteris datis, authenticum exemplar mittendi peractæ executionis huius Nostræ mandati.

Volumus denique ut harum Litterarum transumptis, etiam impressis, manu tamen alicuius Notarii publici subscriptis et sigillo alicuius viri in ecclesiastica dignitate constituti munitis, eadem prorsus tribuatur fides, quae hisce Litteris tribueretur, si originaliter exhibitae vel ostensae forent.

Non obstantibus, quatenus opus sit, regulis in synodalibus, provincialibus, generalibus universalibusque Conciliis editis, specialibus vel generalibus constitutionibus et ordinationibus Apostolicis, et quibusvis aliis Romanorum Pontificum praedecessorum Nostrorum dispositionibus, ceterisque contrariis quibuscumque.

Nemini ergo quae hisce Litteris Nostris erectionis, evectionis, statuti, mandati, derogationis et voluntatis Nostrae decreta sunt, infringere, vel iis contraire liceat.

Si quis autem, ausu temerario, hoc attentare praesumpserit, in indignationem omnipotentis Dei ac beatorum Petri et Pauli Apostolorum Eius sciat se incursum.

Datum Romae apud Sanctum Petrum, anno Domini millesimo nongentesimo vigesimo tertio, die vigesima prima mensis decembris, Pontificatus Nostri anno secundo.



# HIERARCHY OF THE SYRO-MALABAR RITE PIUS BISHOP

Servant of the servants of God

For perpetual memory

**T**he Roman Pontiffs, who at all times so inflexible, sensibly and strictly defended the integrity of the faith and morals, but on the other hand willingly permitted each individual Church to preserve its own rites and liturgy, always loved the Oriental Churches with a particular affection.

The Syro-Malabar Church too, no less than other Churches, experienced this affection of our predecessors in as much it received many benefits from the Holy See.

Indeed quite rightly so, for that Church holds a noble position among the Oriental Churches because it traces its origin back to the most ancient Christian communities which received the light of the Gospel from the Apostle Thomas. For that Apostle, as ancient literary records testify, after Christ ascended into Heaven, preached the Gospel in the regions bordering on India and finally settled his abode in the Indian peninsula, where,

as Pope Leo XIII of happy memory, our most wise predecessor records in the apostolic letter *Humanae salutis auctor*, given in Rome on 1 September 1886, “after undertaking a very arduous journey, attended with most serious hardships, he was the first to enlighten those peoples with the light of Christian truth, and after having rendered the testimony of his blood to the supreme Pastor of souls, he was called away to his everlasting reward in heaven”.

Yet the memory of the Apostle, even after his glorious death, still remained in India. With regard to this our same predecessor in the afore-mentioned apostolic letter writes thus: “from that time onwards India never altogether ceased to honour this deserving Apostle: the name and praises of Thomas were wont to be celebrated in the most ancient books of liturgical prayers as well as in other monuments of those Churches and in the course of centuries, even after the lamentable diffusion of errors, his memory was by no means obliterated. In the same way, the faith which he had disseminated, although it lay moribund, did not seem to be completely extinct”.

The fame of the preaching and martyrdom of Thomas has particularly been related to the Syro-Malabar region. The Christian faithful who inhabit that region have always been called “the Christians of Saint Thomas”, by which appellation, it is worth noting that, only in India they (the faithful) have been distinguished, and there exist among them many ancient temples (churches) dedicated to the same Apostle, and very many Christian faithful are found who bestow the name Thomas upon their children at baptism.

And thus, although the Syro-Malabarians were separated from the Apostolic See both on account of the circumstances of time and the great distance of places, which rendered

communications with the Western world extremely difficult for so many centuries, it never entirely lost the Christian faith.

So it came about that the first missionaries who arrived in India in the sixteenth century found among the inhabitants of the Malabar region, who were preserving the Christian faith, albeit languishing, “the good earth”, highly suitable to receive the Word of God which they sowed.

With God’s help, both those first missionaries and others who followed in their footsteps afterwards moved into the same region and reaped the greatly desired fruits of their endeavours.

Day by day the number of Syro-Malabar Christians who embraced Catholic doctrine and communion with the Roman See increased.

In the course of time those Christians manifested so great testimonies of their faith and devotion to the Chair of Peter that in 1887 our predecessor Leo XIII of happy memory, taking particular care of the Catholics of the Syro-Malabar rite, in order to reward in some way their faith, obedience and devotion to the Apostolic See and in order that the true Church of Christ might increase among them day by day, by means of the brief *Quod iam pridem* given on 20 May, after a ritual separation of the Syro-Malabar Catholics had been made from the Latin Christians, disunited them from the Church of Verapoly to which they had been annexed and constituted two vicariates apostolic for them which were to be committed to Latin bishops, who were each to appoint a Syro-Malabar vicar general and four other ecclesiastics of the same nation and rite, and should have made use of their advice in all ecclesiastical affairs.

On that occasion two vicariates apostolic were established for the Syro -Malabar faithful, conforming to the territorial division effected by the course of the river Alwaye: one in the

north with the ordinary residence in the city of Trichur, from which the vicariate itself was called Trichur, the other in the south with the ordinary residence in the city of Kottayam from which the vicariate derived its own name, that is Kottayam.

In the year 1896 our same predecessor Pope Leo XIII, after he had considered the circumstances of times and places, “in order to manifest a new proof of our benevolence towards the Syro-Malabar Church and to provide for the spiritual benefit of the faithful of those regions” by the brief *Quae rei sacrae*, given on 18 July, after he had effected a new division of the entire region, constituted three vicariates apostolic for the Syro-Malabarians immediately dependent on the Holy See, namely the vicariates of Trichur, Ernakulam and Changanacherry, whose territories he wished to have the same extension, that is, as far as those of the two former vicariates, namely Trichur and Kottayam. In this same brief he accurately defined the boundaries of each of the new vicariates. What is worth noting is that it marks the beginning of an ecclesiastical hierarchy entrusted to the bishops of the same people and rite, as the same supreme Pontiff himself decided and took care to set over the three new vicariates apostolic, which we have mentioned above, three bishops chosen from the Syro-Malabar people and rite itself.

In the year 1911 our predecessor Pope Pius X of happy memory, benignly accepting the supplications made to the Apostolic See by the three Syro-Malabar vicars apostolic and after due consideration of the matter, by means of the brief *In universi christiani* given on 29 August of the same year, dismembered all the parishes and the churches from the two vicariates apostolic of Ernakulam and Changanacherry, belonging to the Southist people, as they are called, and constituted them into a new vicariate apostolic with its residence in the city of Kottayam, which was therefore to be called Kottayam. From that time began the status

of the Malabar Church, which remains until today, namely the division of that Christianity into four vicariates apostolic, namely Trichur, Ernakulam, Changanacherry and Kottayam.

From the day on which the Christian faithful of the Syro-Malabar rite obtained bishops of their own rite and nation, they have made every sort of beneficial progress. For, not only has the number of religious vocations has increased among them and a large number of conversions taken place, but also religious institutions, catechumenates, schools, religious houses, churches and oratories have increased, so much so that it is abundantly clear how wisely and diligently the bishops of the Syro-Malabar nation govern the flock entrusted to them. Therefore, at present the sentence of the apostolic delegates in the East Indies has been concordant that the Syro-Malabar Christian communities are to be considered by far among the better ones in the whole of India.

It is therefore just and fair to consider what the faithful, priests and especially the bishops of the Syro-Malabar rite have often and earnestly entreated from the Holy See, namely that a perfect and stable ecclesiastical constitution should be granted to that Church, which has very great strength to protect the discipline of Christian life and to effect the salvation of the people.

Wherefore having before our eyes the outstanding symmetry of Catholic affairs among the Syro-Malabar Christian faithful, and their morals truly agreeing with the profession of Christian faith, their singular devotion to the Blessed Virgin Mary and their very deep reverence towards the clergy, bishops and above all towards this Apostolic See, after obtaining the sentence of our beloved sons, the cardinals of the holy Roman Church, appointed to the Sacred Congregation for the Oriental Church, who unanimously expressed the view that the constitution of an

ecclesiastical hierarchy of the Syro-Malabar rite should at last be achieved, we have decreed that those requests made to us must be approved.

Therefore, having supplied for the consent, as far as necessary, of those whom it concerns or those who presume it to be of concern, by the fullness of our apostolic power, We constitute the four Syro-Malabar vicariates apostolic into so many residential sees, of which one, namely that of Ernakulam, we promote and raise to the rank and dignity of metropolitan Church thus granting to it, and to its bishops, every single right, privilege, honour and prerogative, which belongs to them by common law and according to legitimate prescriptions and lawful customs of the Syro-Malabar Church, but especially the faculty for archbishops to use the pallium according to liturgical laws after having asked for it beforehand in a sacred consistory.

We likewise promote to the rank and dignity of cathedral Churches, the three other sees, namely those of Changanacherry, Trichur and Kottayam, and We grant to them and their bishops, the rights, privileges, honours and prerogatives which belong to them by common law and according to the legitimate prescriptions and lawful customs of the Syro-Malabar Church. And these cathedral Churches and their bishops, we constitute suffragans to the metropolitan Church of Ernakulam.

The boundaries, both of the archdiocese of Ernakulam and of the dioceses of Changanacherry, Trichur and Kottayam, shall be the same as hitherto belonged to each of the vicariates apostolic, now promoted to residential sees.

As regards the rights and obligations of clerics and faithful, as well as the government of both the archdiocese and the dioceses, in case of a vacancy and other similar matters, we



order the observance of what the sacred canons and the lawful customs of the Syro-Malabar Church determine and prescribe.

It will then be the responsibility of the archbishop of Ernakulam and the bishops of Changanacherry, Trichur and Kottayam to choose the more suitable church in the cities of Ernakulam, Changanacherry, Trichur and Kottayam, in which should be set up the see and *cathedra*, whether of the archbishop or of the bishop. And therefore we raise from now on those churches to the rank and dignity whether of metropolitan or of cathedrals; and we order at the same time to keep those churches as parochial in the future as well, if they have hitherto been parochial.

We wish and decide that the present letter and whatever is contained in it, also because any of those whom it concerns or those who presume it to be of concern, have not been heard or have not consented to the aforementioned matters, even if deserving express, specific and particular mention, cannot be censured, impugned or brought into controversy at any time, by defect of subreption or deception, or by defect of nullity or of our intention or by any other defect even if a substantial and not thought out one, but this letter, which has been prepared and emanated with a sure knowledge and from the plenitude of power, is and will be perpetually valid and will obtain and maintain its complete and full effect and it shall be inviolably observed by all those whom it concerns; and it is and will be certainly null and void, if anyone shall presume to do otherwise over these matters, by any authority, knowingly or unknowingly.

After having constituted these matters as is described above, we appoint our apostolic delegate in the East Indies for the execution of all such provisions, granting him, therefore, all the necessary and opportune faculties, even of sub-delegating, as to the effect of the matter concerned, another man constituted

in ecclesiastical office or dignity, and of pronouncing definitive sentence on any difficulty or opposition which may arise in the act of execution and of sending to the Sacred Congregation for the Oriental Church, after the task having been accomplished, within six months from the date of this letter, an authentic exemplar of the completed execution of our present mandate.

Finally we wish the same faith which would be given to this letter, if the original were exhibited or shown, must be accorded to the transcriptions of this letter, but signed by any public notary and sealed by anyone constituted in ecclesiastical dignity.

Notwithstanding as far as it is necessary, regulations promulgated in synods as well as in provincial, general and universal councils, special or general constitutions and apostolic ordinances, and whatsoever other dispositions of our predecessors the Roman Pontiffs and whatsoever else to the contrary.

Let it be unlawful for anyone to infringe upon or contradict the provisions which have been decreed in this letter of erection, elevation, statute, mandate, derogation, and of our will.

If anyone, however, by any temerarious act, should presume to attempt such a thing, let him know that he will incur the wrath of Almighty God and of his blessed Apostles Peter and Paul.

Given in Rome, at St. Peter's, on 21 December 1923, the second year of our Pontificate.



## LETTER OF HIS HOLINESS POPE JOHN PAUL II TO THE BISHOPS OF INDIA

To my venerable Brothers, the Bishops of India.

**A**s you are aware, for some time a study has been going on with regard to the inter-ritual questions, which have arisen in India in recent years. On the occasion of my visit to your country, the happy memory of which still remains deeply engraved in my mind and heart, I spoke to all of you assembled in New Delhi about this matter and assured you of the Holy See's desire to be of assistance to you in this regard. I mentioned that the final stage of this study would be carried out as soon as possible and that I myself would do everything possible to ensure a just and fair settlement of the issues, one that would take into account all the pastoral exigencies of unity and truth (cf. Address to the Bishops of India, 1 February 1986, Nos. 5 & 7).

To this end I appointed a Pontifical Commission under the Presidency of the Cardinal Secretary of State, composed of the Cardinal Prefects of the two Roman Congregations directly concerned in the matter, the Apostolic Pro-Nuncio in India,

Archbishops representing the three Rites in India, and others. This Commission met more than once in order to exchange, in an atmosphere of frank and fraternal dialogue, various viewpoints concerning issues which had been brought forward both in the inter-ritual meetings that had taken place in India and in correspondence sent to the Holy See. These meetings were characterized by a desire on the part of all to arrive at a just and fair pastoral response to the various issues in question, but such as also to take into account the various elements and dimensions - historical, theological and canonical - which are inseparable from any truly pastoral policy that respects the manifold ways in which God's plan becomes realized through history. In this study, the wealth of the Conciliar teaching was given an eminent place, particularly those documents which bear most directly on the issues that were discussed, namely the Decree *Christus Dominus* on the Pastoral Office of Bishops in the Church, and the Decree *Orientalium Ecclesiarum* on the Catholic Eastern Churches.

Since very ancient times a considerable community of Christians, known as the "St Thomas Christians", has existed in southern India. Indeed, there is a very strong tradition that St Thomas the Apostle himself visited and laboured in India, both in the extreme south and in what is known today as the Madras-Mylapore area. There is even a tomb in Mylapore which is venerated as his resting place. Later on, at various times, the Church in India was strengthened by other groups of Christians from the Middle East who became assimilated into the Church already there.

The coming of Latin missionaries can be traced back to at least the thirteenth century. With their arrival in the present area of Calicut, the missionary activity of the Church began to extend. The centre of this activity was first located at Cochin, and then at Goa, and from there it spread throughout the region, and into

areas which today are themselves independent neighbouring countries. In this process of evangelization there has always existed a generous collaboration on the part of priests, religious and laity baptized in the Syro-Malabar Rite, and in recent years also on the part of the Syro-Malabar Church itself in certain areas of the north. This collaboration should not be forgotten, for it points to a willingness, on the part of all concerned, to accept the age-old adage: “*salus animarum suprema lex*”.

Since the celebration of the Second Vatican Council, the Catholic Eastern Churches have manifested an ever greater desire to undertake, wherever possible, the pastoral care of the Eastern Rite faithful in accordance with their ecclesial traditions and heritage. In India this desire has intensified in recent years in the face of the ever-increasing phenomenon of the migration of Eastern Rite Catholics to areas covered by Latin Rite dioceses in the northern part of the country, such that at times they form a considerable number of the faithful of these ecclesiastical territories, as for example in the area of BombayPune.

The Second Vatican Council, in speaking of the pastoral duties of Bishops, declared that where there are faithful of a different Rite, the diocesan Bishop should provide for their spiritual needs, either through priests or parishes of that Rite, or through an Episcopal Vicar endowed with the necessary faculties. Moreover, wherever it would be fitting, the latter could also have Episcopal rank (cf. *Christus Dominus*, 23, 3). The same document went on to say that if, on account of some special circumstances, none of these alternatives was practicable, a special hierarchy could be established for each different Rite, should the Apostolic See judge this to be opportune (ibid.).

This last provision - to be employed where circumstances should so warrant - was enlarged upon in the Conciliar document on the Catholic Eastern Churches. There we read: “Attention

should everywhere be given to the preservation and growth of each individual Church. For this purpose, parishes and a special hierarchy should be established for each where the spiritual good of the faithful so demands ... All Eastern Rite members should know and be convinced that they can and should always preserve their lawful liturgical rites and their established ways of life” (*Orientalium Ecclesiarum*, 4 & 6).

This need to be faithful to the traditions and heritage of one’s own Rite can in no way be considered as interfering with the task of the Church to “gather into one all the children of God who are scattered abroad” (Jn 11:52), or with the mission of the Church to bring about the communion of all persons with the Redeemer. For as the same Decree rightly remarks: “That Church, Holy and Catholic, which is the Mystical Body of Christ, is made up of the faithful who are organically united in the Holy Spirit through the same faith, the same sacraments and the same government and who, combining into various groups held together by a hierarchy, form separate Churches or Rites. Between these, there flourishes such an admirable brotherhood that this variety within the Church in no way harms her unity, but rather manifests it” (*Orientalium Ecclesiarum*, 2).

In fidelity then to the documents of the Second Vatican Council, and in view of the present circumstances prevailing in the Indian context, after having closely examined all the documentation which has been presented to the Holy See, as well as the results of the meetings of the Pontifical Commission appointed at my direction to study the inter-ritual problems existing in India, by virtue of my office as Supreme Pastor of the Universal Church I wish to state the following:

(a) The bishops of each of the three Rites have the right to establish their own Episcopal bodies in accordance with their own ecclesiastical legislation. The National Conference of all Catholic Bishops of India is to continue for questions of common concern and of a national and supra-ritual character,

e.g. Doctrine and Morals, Organizations of a national and supra-ritual character, questions involving the Catholic Church and the Government, etc. These areas are to be determined in the National Conference's new Statutes, to be approved by the Holy See (cf. *Christus Dominus*, 38; *Code of Canon Law*, canons. 449 ff.).

(b) As the Decree on the Catholic Eastern Churches points out, all the Churches under the pastoral governance of the Roman Pontiff have the same rights and obligations, including what concerns the preaching of the Gospel, always "under the guidance of the Roman Pontiff" (*Orientalium Ecclesiarum*, 3). It will be the task of the Catholic Bishops of India, if necessary through a special Commission of the National Conference referred to above, to organize and coordinate the missionary activity in the country in such a way as to promote an evangelization that will be truly effective and yet avoid all danger of confusion and any spirit of rivalry.

(c) Regarding the pastoral care of the faithful of the Eastern Rites who are living in Latin Rite dioceses, in accordance with the spirit and letter of the Conciliar Decrees *Christus Dominus*, 23, 3 and *Orientalium Ecclesiarum*, 4, the Latin Ordinaries of such dioceses are to provide as soon as possible for an adequate pastoral care of the faithful of these Eastern Rites, through the ministry of priests, or through parishes of the Rite, where this would be indicated, or through an Episcopal Vicar endowed with the necessary faculties, where circumstances would so indicate (cf. *Christus Dominus*, 23, 3; *Code of Canon Law*, canons 383, § 2; 476; 518). This latter may even have Episcopal rank should this be determined as fitting (*Christus Dominus* 23, 3). Where circumstances would so indicate, the Apostolic See will establish a proper hierarchy for such faithful.

This will be done through the two Roman Congregations responsible for the affairs of the Eastern and Latin Rites, and after consultation with the Latin Bishops involved.

Given the number of the Catholics of the Syro-Malabar Rite in the Bombay-Pune region of India, the situation presently existing there can now be considered mature enough for the establishment of an Eparchy of the Syro-Malabar Rite. Hence I am authorizing the Congregation for the Eastern Churches to proceed accordingly.

My dear Brothers in the Episcopate, let us continue to reflect on the marvellous mystery of the Universal Church and all the Churches or Rites which make up her variety in unity. May the centre of all your pastoral solicitude be the Church's unity and communion. For in this we recognize the greatest of blessings, the desire of the heart of Jesus, the expression of fidelity to the Lord, the sign of credibility of his Church and of the very mission of Christ. As you know, the Second Vatican Council emphasized the Church's vocation to be a sign of the unity of mankind, so often divided by ethnic, political, cultural and linguistic rivalries, and thus oppressed by all sorts of tensions. This vocation brings with it the need for reconciliation where unity has been impaired or damaged. Hence there is the need for the closest possible communion and collaboration between the different Rites in your beloved country.

In stating the above after much prayer and reflection, I have every confidence that it will be given the full support of all the Bishops of the country, and that you will do everything possible to educate and form your priests, religious and faithful to accept and cooperate fully in its implementation.

In conclusion I once again commend you and your ministry to the loving care of Mary the Mother of the Church, and I pray that she will sustain you all in joy until the day of Christ Jesus.

From the Vatican, 28th May 1987

John Paul II



# ARCHIEPISCOPATUS MAIOR ERNAKULAMENSIS- ANGAMALIENSIS CONSTITUITUR

IOANNES PAULUS EPISCOPUS

Servus servorum Dei

Ad perpetuam rei memoriam

**Q**uae maiori Christifidelium bono proficiunt, ea, pro gravissimo Nostro munere Pastoris totius Dominici gregis, sedula navitate nitimur praestare. Qua re, cum Ecclesia Syro-Malabarensis a sancti Thomae Apostoli praedicatione, ut constans fert traditio, genita ac proprio venerabili et spirituali patrimonio ditata, saeculorum decursu per tot rerum discrimina in dies firmata creverit, peropportuno Nobis videtur eandem constitui Ecclesiam archiepiscopalem maiorem. De consilio igitur Venerabilis Fratris Nostri Achillis S.R.E. Cardinalis Silvestrini, Praefecti Congregationis pro Ecclesiis Orientalibus, Apostolica Nostra usi potestate Ecclesiam Syro-Malabarensis constituimus Ecclesiam archiepiscopalem maiorem Ernakulamensem-Angamaliensem nomine appellandam, omnibus factis iuribus et officiis, quae ad normam sacrorum canonum Ecclesiarum



Orientalium eidem competunt, mandantes ut eius territorium circumscribatur finibus Provinciarum Ecclesiasticarum Ernakulamensis et Changanacherrensis atque Archiepiscopi Maioris stabilis residentiae sedes in ipsa urbe Ernakulamensi ponatur. Quae vero iussimus ad effectum rite adducantur deque absoluto negotio sueta documenta exarentur et ad Congregationem, quam diximus, mittantur. Hanc denique Apostolicam Nostram Constitutionem nunc et in posterum ratam esse volumus, contrariis quibuslibet rebus non obstantibus.

Datum Romae, apud S. Petrum, die sexto decimo mensis Decembris anno Domini millesimo nongentesimo nonagesimo secundo, Pontificatus Nostri quinto decimo.

# THE CONSTITUTION OF THE MAJOR ARCHIEPISCOPATE OF ERNAKULAM- ANGAMALY

JOHN PAUL BISHOP

Servant of servants of God

For perpetual memory

**I**n virtue of our most important office as pastor of the entire flock of the Lord, we, with sedulous assiduity, endeavour to do whatever is helpful for the greater advantage of the Christian faithful. Therefore, since the Syro-Malabar Church, as the constant tradition holds, owed its origin to the preaching of the Apostle St Thomas, and having been enriched by a proper, venerable and spiritual patrimony, has grown up to a firm stature by tiding over crises of every kind throughout the course of centuries, it seemed to us quite opportune to upgrade the same as a major archiepiscopal Church. In consultation, therefore, with our venerable brother Achille Silvestrini, Cardinal of the Holy Roman Church, Prefect of the Congregation for the Oriental Churches, and making use of our apostolic authority we constitute



the Syro-Malabar Church as a major archiepiscopal Church under the title of Ernakulam-Angamaly, along with all the rights and duties incumbent on the same in terms of the Sacred Canons of the Eastern Churches; it is ordered that the territory of the same shall be limited to the confines of the ecclesiastical provinces of Ernakulam and Changanacherry; and the permanent residential see of the major archbishop shall be situated in the very same town of Ernakulam. What we have ordered shall be duly put into effect, and after discharging the task, the customary documents shall be drawn up and transmitted to the Congregation we have mentioned. Finally, we wish to confirm and ratify this apostolic constitution of ours for the present and the future, notwithstanding whatsoever to the contrary.

Given in Rome at St. Peter's, on the 16<sup>th</sup> day of the month of December, in the year of the Lord 1992, the fifteenth year of our Pontificate.



# LETTER OF HIS HOLINESS POPE

FRANCIS

## TO THE BISHOPS OF INDIA

Dear Brother Bishops,

1. The remarkable *varietas Ecclesiarum*, the result of a long historical, cultural, spiritual and disciplinary development, constitutes a treasure of the Church, *regina in vestitu deaurato circumdata varietate* (cf. Ps 44 and Leo XIII, *Orientalium Dignitas*), who awaits her groom with the fidelity and patience of the wise virgin, equipped with an abundant supply of oil, so that the light of her lamp may enlighten all peoples in the long night of awaiting the Lord's coming.

This variety of ecclesial life, which shines with great splendour throughout lands and nations, is also found in India. The Catholic Church in India has its origins in the preaching of the Apostle Thomas. It developed through contact with the Churches of Chaldean and Antiochian traditions and through the efforts of Latin missionaries. The history of Christianity in this great country thus led to three distinct *sui iuris* Churches, corresponding

to ecclesial expressions of the same faith celebrated in different rites according to the three liturgical, spiritual, theological and disciplinary traditions. Although this situation has sometimes led to tensions in the course of history, today we can admire a Christian presence that is both rich and beautiful, complex and unique.

2. It is essential for the Catholic Church to reveal her face in all its beauty to the world, in the richness of her various traditions. For this reason the Congregation for the Oriental Churches, which celebrates its centenary year, having been established through the farsightedness of Pope Benedict XV in 1917, has encouraged, where necessary, the restoration of Eastern Catholic traditions, and ensured their protection, as well as respect for the dignity and rights of these ancient Churches.

3. The Second Vatican Council embraced this vision of the Church and reminded the faithful of the need to protect and preserve the treasure of the particular traditions of each Church. “Moreover, within the Church particular Churches hold a rightful place; these Churches retain their own traditions, without in any way opposing the primacy of the Chair of Peter, which presides over the whole assembly of charity (cf. Ignatius of Antioch, *Ad Rom.*, Praef.), and protects legitimate differences, while at the same time assuring that such differences do not hinder unity but rather contribute toward it” (*Lumen Gentium*, 13).

4. As *Lumen Gentium* teaches, it is for the Bishop of Rome to promote unity in the diversity of the Body of Christ. In this task, the Roman Pontiffs faithfully interpret and apply the voice of the Second Vatican Council, which expressed the ardent desire that the Oriental Churches, venerated for their antiquity, should “flourish and with new apostolic vigour execute the task entrusted

to them” (*Orientalium Ecclesiarum*, 1). Their responsibility is not only to become ever more effective instruments of that “special duty of promoting the unity of all Christians, especially Eastern Christians” (*Orientalium Ecclesiarum*, 24), but also to promote their “equal dignity [ ... ] for they enjoy the same rights and are under the same obligations, also in respect of preaching the Gospel to the whole world” (*Orientalium Ecclesiarum*, 3).

Thirty years ago, my beloved predecessor Saint John Paul II wrote a Letter to the Bishops of India. Drawing on the Second Vatican Council, he sought to apply the conciliar teaching to the Indian context. In India, even after many centuries, Christians are only a small proportion of the population and, consequently, there is a particular need to demonstrate unity and to avoid any semblance of division. Saint John Paul II also stated that the need for unity and the preservation of diversity are not opposed to one another: “This need to be faithful to the traditions and patrimony of one’s own rite must not be interpreted as an interference with the Church’s task of ‘gathering into one the children of God who are scattered abroad’ (Jn 11:52) or with the mission of the Church to promote the communion of all people with the Redeemer” (*Epistula ad Indiae Episcopos*, 28 May 1987).

5. Five decades ago, when the Syro-Malabar Church expanded to some central and northern parts of India with “missionary eparchies”, it was generally thought by the Latin Bishops that there should be just one jurisdiction, that is, one bishop in a particular territory. These eparchies, created from Latin dioceses, today have exclusive jurisdiction over those territories, both of the Latin and Syro-Malabar faithful. However, both in the traditional territories of the Eastern Churches, as well as in the vast area of the so-called diaspora (where these faithful have

long been established), a fruitful and harmonious cooperation between Catholic bishops of the different *sui iuris* Churches within the same territory has taken place. This cooperation not only offers an ecclesiological justification for such a solution, but also demonstrates its pastoral benefits. In a world where large numbers of Christians are forced to migrate, overlapping jurisdictions have become customary and are increasingly effective tools for ensuring the pastoral care of the faithful while also ensuring full respect for their ecclesial traditions.

6. In India itself, overlapping jurisdictions should no longer be problematic, for the Church has experienced them for some time, such as in Kerala. Saint John Paul II's Letter authorized the erection of a Syro-Malabar eparchy in the Bombay-Pune region, which became the Eparchy of Kalyan. In 2012 the Syro-Malabar Eparchy of Faridabad was erected in the region of Delhi and its neighbouring states, while the boundaries of the Eparchy of Mandya were extended in 2015 to include the metropolitan area of Bangalore. In the same year, an Eparchy and an Apostolic Exarchate were erected for the Syro-Malankara faithful, so that by these ecclesiastical circumscriptions the Syro-Malankara Church could provide pastoral care for its faithful throughout the territory of India. All these developments show that, albeit not without problems, the presence of a number of bishops in the same area does not compromise the mission of the Church. On the contrary, these steps have given greater impetus to the local Churches for their pastoral and missionary efforts.

7. In 2011 my predecessor Benedict XVI wished to provide for the pastoral needs of the Syro-Malabar faithful throughout India, and I confirmed his intention following the plenary session of the Congregation for the Oriental Churches in 2013. There is



currently an Apostolic Visitor, in the person of Bishop Raphael Thattil, for those Syro-Malabar faithful in India who live outside their own territory, and he has provided detailed reports to the Apostolic See. This issue has been examined in meetings at the highest levels of the Church. Following these steps, I believe the time is now right to complete this process.

I have therefore authorized the Congregation for the Oriental Churches to provide for the pastoral care of the Syro-Malabar faithful throughout India by the erection of two Eparchies and by the extension of the boundaries of the two already in existence.

I decree also that the new circumscriptions, as with those already in existence, be entrusted to the pastoral care of the Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-Malabar Church, according to the norms of the Code of Canons of the Eastern Churches.

8. I hope that my decision will be welcomed with a generous and peaceful spirit, although it may be a source of apprehension for some, since many Syro-Malabars, deprived of pastoral care in their own rite, are at present fully involved in the life of the Latin Church. I am convinced, however, that all those involved will understand that there is no need for concern: the Church's life should not be disrupted by such a provision. Indeed it must not be negatively interpreted as imposing upon the faithful a requirement to leave the communities which have welcomed them, sometimes for many generations, and to which they have contributed in various ways. It should rather be seen as an invitation as well as an opportunity for growth in faith and communion with their *sui iuris* Church, in order to preserve the precious heritage of their rite and to pass it on to future generations. There is already an instruction by the Congregation for the Oriental Churches to the

Eparchy of Faridabad, which indicates that a member of the Syro-Malabar faithful, by virtue of the law itself, belongs to the Syro-Malabar parish where he or she is domiciled (Code of Canons of the Eastern Churches, Can, 280 §1); yet at the same time, he or she can remain fully involved in the life and activities of the parish of the Latin Church. No dispensation is required from the law currently in force for the faithful to practice their faith serenely, but only the solicitude of both the Latin and the Syro-Malabar pastors (cf. Prot. No. 197/2014, 28 January 2016).

9. The path of the Catholic Church in India cannot be that of isolation and separation, but rather of respect and cooperation. The presence of several bishops of the various *sui iuris* Churches in the same territory will surely offer an eloquent witness to a vibrant and marvellous communion. This is the vision of the Second Vatican Council, which I quote once again: “Between all the parts of the Church there remains a bond of close communion whereby they share spiritual riches, apostolic workers and temporal resources. For the members of the people of God are called to share these goods in common, and of each of the Churches the words of the Apostle hold good: ‘According to the gift that each has received, administer it to one another as good stewards of the manifold grace of God’ (1 Pet 4:10)” (*Lumen Gentium*, 13). It is in this spirit that I urge all the beloved Churches in India to be generous and courageous as they witness to the Gospel in the spirit of fraternity and mutual love. For the Syro-Malabar Church, this continues the valued work of their priests and religious in the Latin context, and sustains their availability for those Syro-Malabar faithful who, although choosing to attend Latin parishes, may request some assistance from their Church of origin. The Latin rite Church can continue to generously offer hospitality to members of the Syro-Malabar communities who do not have church buildings of their

own. The cooperation among all the *sui iuris* Churches should continue, for example in the area of retreats and seminars for clergy, Bible conferences, celebrations of common feast days and ecumenical endeavours. With the growth of spiritual friendship and mutual assistance, any tension or apprehension should be swiftly overcome. May this extension of the pastoral area of the Syro-Malabar Church in no way be perceived as a growth in power and domination, but as a call to deeper communion, which should never be perceived as uniformity. In the words of Saint Augustine, who sang the praises of the Trinity and of the wonderful communion of the Father, the Son and the Holy Spirit, I also ask you: *dilatentur spatia caritatis* (Sermon 69, PL 5, 440.441). May there be a growth in love, communion and service.

Dear brother Bishops, I commend all of you to the intercession of the Blessed Virgin Mary and I assure you of my closeness in prayer. To all of you, the Church and the faithful in India, I impart my Apostolic Blessing, and I ask that you pray for me.

From the Vatican, 9 October 2017

FRANCIS

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Synodal News, 25/ 1-2 (December 2017) 181 - 186.





## Book Review

*Canonical Perspectives: On the Recent Amendments in Ecclesiastical Law*, Author: Rev. Dr Merlin Rengith Ambrose. Place of Publication and Publisher: Bombay, St Pauls Publication. The Year of Publication: 2022. Pages: 293. ISBN: 978-93-92340-451. Prize: Rs. 300/-.

*Canonical Perspectives on Some Recent Amendments in Ecclesiastical Law* by Rev. Dr. Merlin Rengith Ambrose (Professor of Canon Law at St Peter's Pontifical Institute, Bangalore and the recently elected as the Executive Secretary to the Canon Law Commission in CCBI) echoes the canonists of the Middle Ages who were the most innovative and creative in the Church of the period, ahead of their times both in the Church and in the world. Reflecting contextually and beyond the boundaries of the Church, they sowed the seeds for the modern human rights regime and democracy.

The eight canonical thematics the author of this volume has chosen to delve deep into are significant and pastorally highly relevant. They are so actual that the readers are bound to vibrate with them. It is about forty years now since the present code was promulgated (1983), and the fast-changing times and the

conditions of the Church and the world have triggered a much-needed reform of it. Pope Francis has dared to bring changes with the pastoral situation of the present times in mind, and the innovations introduced are a prelude to a complete overhaul of the current code, and hopefully promulgation of a new one.

The book starts with the much-debated issue of the participation of women in the life and ministry of the Church. The author deals with the reform, instituting women officially as ministers of lector and acolyte, which was reserved only for male members, thus introducing change in the existing Canon 230. It may not be an earth-shaking reform. Nevertheless, it is very symbolic and hopefully a prelude for more radical changes in the ministerial role of women in the future. On the other hand, women were actually involved in these ministries. In this case, it is a confirmation of the approval of practice in the spirit of the sense of the faithful – *sensus fidelium*. The second chapter reflects on the synodal path introduced by Pope Francis based on a solid ecclesiology of the People of God, and the author throws light on this connection in Canons 342-348.

A year ago, on 23 May 2021, Pope Francis introduced significant changes in the penal norms in the Church and thus reforming Book VI of the code. This was done with the pastoral goals of healing and correction in the Church and removing any traces of the spirit of revenge and retribution. This is the focus of the reflection of the author in chapter three. Recently we all witnessed the canonization of the martyr St. Devasahayam. It is the auspicious occasion to learn in the fourth chapter of the book about how through the two *millennia* of Christian history, the process of recognizing and declaring saints developed and understand the various stages involved. Of late, clerics forming trusts and engaging in profit-making business activities are widely discussed in the country. In the fifth chapter, the author

provides an exegesis of the pertinent Can. 286 and reflects on its nuances and implications.

A painful everyday issue that several Christian faithful encounter is the nullity for which they apply to the ecclesial authorities. The last three chapters go into the various aspects of this question. As the author tells us in the sixth chapter, the declaration of the nullity of marriage is not annulling the marriage bond but rather the declaration of a marriage that was invalid and non-existent right from the beginning, based on invalidating reasons. The author explains the five different phases in the process of marriage nullity, which would be very helpful to those perplexed by the laws of the Church on marriage and divorce. It also enlightens on the rights the faithful enjoy before the competent ecclesiastical forum. The author throws much light on these rights in chapters seven and eight. It delves into the significance of proof in the instructional phase (chapter seven) and the publication of the acts (chapter eight).

The present work is the fruit of much study and research, as the numerous references testify. It is not a heavy and frightening work on Canon Law. Written in a lucid style and accessible to a broader readership, Fr Merlin Rengith Ambrose brings to our doorsteps the laws and norms of the Church, evoking our interest and making dialogue with them possible. The book is pastorally so relevant and practical that it is likely to see many editions. I am sure many Christian faithful will benefit much by reading this excellent and timely book.

Rev. Prof. Felix Wilfred

Former Member of the International Theological  
Commission of the Vatican







## Book Review

Alex Velacherry, *Briefer Judicial Process of Matrimonial Nullity: The Role of the Eparchial/Diocesan Bishop as Personal and Sole Judge in the Reformed Matrimonial Nullity Process of "Mitis et Misericors Iesus" and "Ratio Procedendi"*, Dharmaram Canonical Studies 29, Dharmaram Publications, Dharmaram College, Bengaluru, 2022, xx + 463 pp., Price: ₹ 550.00; \$ 20.00.

With the publication of the *motu proprio* "Mitis Iudex Dominus Iesus" and "Mitis et misericors Iesus", Pope Francis reformed the so-called "cumbersome procedures" for the declaration of nullity of marriage in the Code of Canon Law (CIC) and the Code of Canons of the Eastern Churches (CCEO). This reform was an orchestrated effort to bring the enormous number of faithful, who are too often separated from the legal structures of the Churches due to physical or moral distance, to peace with their conscience. Divorced and remarried Catholics wanting to participate fully in the Church was a topic of great debate during the fourteenth ordinary general assembly of the Synod of Bishops held in 2015. Regarding this reform made by the *motu proprio*, Pope Francis remarks: "It is, therefore,

the concern for the salvation of souls that, today as yesterday, remains the supreme objective of the institutions and laws, and drives the Bishop of Rome to offer to the Bishops this reform document, insofar as they share with him the task of the Church to protect unity in faith and discipline regarding marriage, the cornerstone and origin of the Christian family."

The briefer matrimonial process before the bishop is an innovative provision of this *motu proprio* to bring a speedy conclusion of the process and pronouncement of a sentence to the parties. The eparchial bishops have to involve as "judge and physician" and "constituted by the Holy Spirit as the figure of Christ and in place of Christ", be "first and foremost, the minister(s) of divine mercy". However, in general, bishops fail to take up this responsibility out of a lack of clarity or awareness concerning the details of the process.

The author of the book, Rev. Dr Alex Velacherry (Alex Alexander), is presently a member of the teaching staff at the Institute of Oriental Canon Law, DVK, Bangalore. He is also a civil advocate. This book is the fruit of his doctoral research, which he defended successfully before the canon law faculty of the Pontifical Oriental Institute, Rome, under the guidance of eminent scholars.

After a brief introduction, the author presents the content in four chapters, focusing on the central theme indicated in the title. The opening chapter explains the genesis of the *motu proprio* "Mitis et Misericors Iesus". Here, the author takes us through the historical context that led to the new legislation regarding the matrimonial process and assesses the reform proceedings. Next, he discusses the changes brought by the new *motu proprio* and the central role of the bishop in the matrimonial process in chapter two. Though this chapter does not explicitly concern the briefer process, this helps the readers to fix the central theme

properly against the overall scenario of the matrimonial process. Then he presents the legislation concerning the briefer process and the central role of the eparchial bishop in this process in chapters three and four. Finally, the author concludes the work with a brief synthesis.

Besides elucidating the new norms and the changes made by the *motu proprio*, the author approaches the matter critically and analytically. Rev. Dr Alex brings to our notice the various theoretical and practical problems that may arise while implementing these norms. One may say that sound pastoral insights and suggestions complement his exposition of the law. The author gives related sources and documents in the footnotes to support the research. Further, the extensive bibliography given at the end is a good reference source.

This book is an outstanding and timely effort to bring the details of the briefer process with clarity and firmness to all who are interested to know about this, especially the bishops and the tribunal personnel. The book's well-developed and thoroughly researched material shows the author's legal acumen and pastoral experience. In addition, the dexterous blending of canonical argumentation with a very readable style makes the book more appealing. Although the target audience is the tribunal personnel and bishops, the book can attract a wide range of readers, from ordinary people interested in the Church's matrimonial proceedings. Anyone involved in tribunal ministry should be familiar with this book.

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