



The Canonical Figure of the Vicar of the Archeparchy of Ernakulam-Angamaly

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A rather unprecedented canonical provision has been made in the governance of the archeparchy of Ernakulam-Angamaly, the eparchy of major archbishop of the Syro-Malabar Church. This provision was made through a decree issued from the Syro-Malabar Major Archiepiscopal Curia on 30 August 2019.¹ His Excellency Mar Antony Kariyil CMI, until then the bishop of the eparchy of Mandya in Karnataka has been transferred from there and given the office of the ‘Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly’ “for the ordinary administration of the said Archeparchy”.²

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¹ "Decree: Major Archiepiscopal Letter of Canonical Provision, Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly", Prot. No. 1317/2019, dated 30 August 2019, *Synodal News*, vol. 27, December 2019, 203-205. (Hereafter, *Decree*.)

² *Decree*, para 1

1. The Context

The need for a ‘vicar for the archeparchy of Ernakulam-Angamaly’ was raised and discussed for the first time in the XV Synod of Bishops of the Syro-Malabar Church in 2007 during the term of office of the former Major Archbishop Mar Varkey Cardinal Vithayathil. It was then suggested to have an ‘Administrative Archbishop’ for the Archeparchy, “namely, the Protosyncellus Auxiliary Bishop, having the title of Archbishop, be given the charge of the ordinary administration of the Archeparchy”.³ But no concrete decision was taken on the matter and it remained open awaiting a future decision.

The matter was again taken up for discussion in the XXVII Synod of Bishops (Session I) held between 7 and 18 January 2019. In the very opening sentence of the decree of appointment of the present vicar, the major archbishop refers to his own suggestion made to the synod to make provision for such an office considering his responsibilities of the dual offices as the head of the entire Syro-Malabar Church and the Metropolitan Archbishop of the Archeparchy of Ernakulam-Angamaly.⁴

The Major Archbishop had also brought the matter to the attention of the Apostolic See. This fact is well stated in the following words of the Cardinal Prefect of the Oriental Congregation in his letter to the Major Archbishop dated 29 August 2019: “In the last few months and in constant dialogue with this Congregation, Your Beatitude has

³ "Guidelines on the Office of Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly", n. 3, *Synodal News*, vol. 27, December 2019, 217-219., (Hereafter, *Guidelines*)

⁴ *Decree*, para 1; In *Guidelines*, n. 4 we read: “In the last 25 years of its existence, the Syro Malabar Major Archiepiscopal Church has grown global with several eparchies and archeparchies. Because of the global mission, it has become very difficult for the Major Archbishop to dedicate more time for the ordinary administration of the Archeparchy of Ernakulam-Angamaly, the biggest eparchy of this Church”.

shared some considerations on possible general solutions regarding the relationship between the governance of the entire Syro-Malabar Church on one hand and the governance of the Archdiocese of Ernakulam-Angamaly on the other. During the most recent encounters here in Rome you have yourself repeatedly presented your wish that this governance be reorganised, by means of a thoroughly evaluated and gradual legislative process. Further, the topic has been discussed and approved by the synod of the Syro-Malabar Church. On all this the Holy Father, obviously, has been constantly kept informed and this Dicastery, for its part, has studied the matter attentively”.⁵

The recent state of unrest in the Archeparchy of Ernakulam-Angamaly is also to be seen as an immediate cause of appointing a vicar. The Cardinal Prefect refers to it when he stated: “Nonetheless, the sad events related to the governance of the Archeparchy of Ernakulam-Angamaly and the attitudes of some priests and laity have provoked and continue to cause a lot of suffering and great concern. Most astonishing are the harsh disputes and divisions on various levels, whose contents, in addition, are unscrupulously spread through the media, disregarding the due respect towards the Church and towards the concerned persons. All of these represent a severe wound to the

⁵ *Letter of the Congregation for the Oriental Churches (Congregatio pro Ecclesiis Orientalibus)*, Prot. N. 125/2011, dated August 29, 2019, para 4. (Hereafter, *Letter CEO Prot. N. 125/2011*). Twice it is stressed in this letter that it should be published together with other documents on 30 August 2019: 1) “This decision has been taken for the present situation and comes into force simultaneously with the **official publication of the appointment of the Vicar and of this Letter** on 30 August 2019” (para. 7); 2) “I would kindly ask you **to publish this Letter** contemporaneously with the provisions of the Synod concerning the appointments of the Bishop of Bijnor, Bishop of Mandya, Vicar for the Archeparchy of Ernakulam-Angamaly and Auxiliary Bishop of Faridabad on 30 August 2019” (para. 10; Accent added). Hence the Letter presumes a public nature after 30 August 2019. However, the official bulletin of the Syro-Malabar Major Archiepiscopal Church *Synodal News*, vol. 27, December 2019, which contains all other referred documents, seems to have forgotten the publication of the Letter of the Congregation.

Body of Christ that regards not only the Syro-Malabar Church, but also risks harming the whole Catholic Church in India”.⁶

Hence it may reasonably be conceived that the suggestion of the major archbishop to the synod and to the Apostolic See for a vicar was a well-intentioned gesture to calm down the situation that prevailed in the archeparchy.

In January 2019, the XXVII Synod of Bishops discussed the matter and decided in favour of appointing a ‘Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly’, with episcopal status, for ordinary administration.⁷ Later, in the third sitting of the XXVII Synod (Session II), on 22 August 2019, the synod elected Mar Antony Kariyil to the office of the vicar *ad omnia*, (that is, for all matters of ordinary administration) of the major archbishop for the archeparchy of Ernakulam-Angamaly, transferring him from the eparchy of Mandya. This synodal act was approved by the Apostolic See on 29 August 2019, with the following words: “Taken into consideration the above-mentioned solutions envisaged by Your Beatitude, the appointment by the Holy Synod of the Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly, has been accepted positively and with hope”.⁸ Further, as proposed by the synod of bishops, the Apostolic See granted Bishop Kariyil “the title of Archbishop, elevating him to the same rank *pro hac vice* (for this occasion) the titular see of Macriana Maggiore, which has been assigned to him”.⁹

⁶ *Letter CEO Prot. N. 125/2011*, para 3.

⁷ *Decree*, para 1; *Guidelines*, n. 4

⁸ *Letter CEO Prot. N. 125/2011*, para 5; Cfr. also, *Decree*, para 4

⁹ *Letter CEO Prot. N. 125/2011*, para 8; *Decree*, para 5

2. The Rights and Duties of the Vicar of the Major Archbishop

Analysing the available documents of the ‘Decree of Major Archiepiscopal Letter of Canonical Provision: Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly’, the ‘Letter of Cardinal Prefect of the Congregation for the Oriental Churches Prot. N. 125/2011’, and the ‘Guidelines on the Office of the Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly’,¹⁰ we can draw up the following norms on the vicar:

1. The ‘Vicar of the Major Archbishop’ is to be elected by the synod of bishops and appointed by the major archbishop. If the elected one is not yet a bishop, ordinary procedure for the election of bishops is to be followed.¹¹
2. The appointment of the vicar is without prejudice to the prerogatives, rights and obligations of the major archbishop in relation to the archeparchy. The major archbishop has the right and duty to intervene when circumstances warrant it or when the vicar requests for it.¹²
3. Ordinarily, the major archbishop is to preside over the liturgical solemnities such as the Nativity of Our Lord, Blessing of the Holy Myron, and the Holy Week Liturgy, in the Cathedral.
4. The major archbishop may make pastoral visits to parishes in the archeparchy after having informed the vicar.¹³
5. After the name of the Roman Pontiff the major archbishop is to be commemorated in the Divine Liturgy and in divine praises as ‘Major

¹⁰ See the full text of all these documents in Appendix.

¹¹ *Guidelines, n. 5*

¹² *Guidelines, n. 6*

¹³ *Guidelines, n. 7; Letter CEO Prot. N. 125/2011, para 7*

Archbishop and Head of our Archeparchy’ all throughout the archeparchy.¹⁴

6. The vicar is to exercise his duties as per norms of law, i.e., according to the Common Law (CCEO), the Particular Law of the Syro-Malabar Church, and the ‘Guidelines on the Office of the vicar of the Major Archbishop’ approved by the synod.¹⁵
7. The vicar is *ex officio* the protosyncellus of the archeparchy of Ernakulam-Angamaly (c. 215).¹⁶
8. After the name of the major archbishop, the name of the vicar of the major archbishop is to be commemorated in the Liturgy, within the territory of the archeparchy, in the following words: “... for the Metropolitan Vicar of the Archeparchy, Mar (name) ...”¹⁷
9. The vicar *ad omnia*, endowed with ordinary vicarious power proper to a protosyncellus (c. 245), administers all ordinary affairs of the archeparchy in accordance with the norm of law.¹⁸
10. The vicar is competent to make appointments, constitute different councils of administration and shall have the duty of supervision.
11. Assisted by the archeparchial curia (c. 243) and the canonical bodies, namely, college of eparchial consulters (c. 271), the presbyteral council (c. 264), the finance council (c. 263), the pastoral council (c. 272) and other bodies legitimately constituted by the competent authorities, he is to carry out the responsibilities of the office.¹⁹

¹⁴ *Guidelines, n. 7*

¹⁵ *Decree, para 7; Letter CEO Prot. N. 125/2011, para 7.*

¹⁶ *Guidelines, n. 4*

¹⁷ *Guidelines, n. 8*

¹⁸ *Decree, para 7, Guidelines, n. 9*

¹⁹ *Decree, para 7; Letter CEO Prot. N. 125/2011, para 7*

12. After taking charge of the office, the vicar is free to dissolve, suspend, revive or reconstitute the existing canonical bodies as per norms of law and in consultation with the major archbishop.²⁰
13. Although the vicar will have full powers in the fields of administration, finances and pastoral ministry, as for example, appointments and transfers of priests, in the archeparchy,²¹ he shall not fail to consult the major archbishop on all important matters and brief him regularly about the administration.²²
14. The vicar will represent the archeparchy of Ernakulam-Angamaly for all legal effects and purposes before civil authorities. He is authorized to sign documents personally or through his representative on behalf of the archbishop of Ernakulam-Angamaly on temporal affairs and is fully responsible for the temporal administration of the archeparchy as per norms of law. The major archbishop acts as appellate authority in this regard.²³
15. When the see of the major archbishop becomes vacant, the administrator of the major archiepiscopal Church takes charge as per norms of the law (CCEO c. 127; Particular Law no. 7). But the vicar continues to function in his office for the archeparchy of Ernakulam-Angamaly (CCEO cc. 224, 132 §2). When the new major archbishop takes charge, (cf. c. 991 §1) the vicar requires the confirmation from him to continue in office, unless the synod makes other provisions.²⁴

²⁰ *Decree*, para 7

²¹ *Letter CEO Prot. N. 125/2011*, para 7

²² *Guidelines*, n. 9

²³ *Guidelines*, n. 10

²⁴ *Guidelines*, n. 11

3. Analysis of the Provisions

To make an evaluation of the norms given for regulating the constitution, function and cessation of office of the vicar envisaged by the synod of bishops of the Syro-Malabar Church, we need first to examine how it affected the canonical figure of the major archbishop focusing, especially, on his relationship to his own archeparchial see from which he takes his title. In other words, it is to be inquired in what ways the vicar *ad omnia* shares the rights and responsibilities proper to the metropolitan of the archeparchy.

3.1 The Rights of the Major Archbishop

By common and particular law, the major archbishop has to perform three distinct functions at the same time. That is, he is bound (1) to govern the entire Syro-Malabar Major Archiepiscopal Church as its father and head as per cc. 78-101, (2) to perform duties proper to the metropolitan of the ecclesiastical province of Ernakulam-Angamaly as per cc. 133-139 and, (3) to exercise all the functions proper to an eparchial bishop in his own see of Ernakulam-Angamaly in accordance with cc. 190-211. In addition to these, he is also to exercise the functions of a metropolitan in those places where provinces are not erected and whenever a metropolitan see is vacant (cc. 80, 1^o, 3^o; 133). This is true also in the case of stauropegial monasteries, in other places inside the territorial boundaries where neither an eparchy nor an exarchy has been erected (c.101) and, inside a vacant eparchy until an administrator has been appointed (c. 220, 2^o). In his own archeparchy the major archbishop enjoys all the rights and obligations of an eparchial bishop and exercises immediate authority over the clergy and the faithful. The pertinent features touching the person of the major archbishop as given in the Guidelines are the following:

a) The appointment of the vicar is without prejudice to the prerogatives, rights and obligations of the major archbishop in relation to the archeparchy of Ernakulam-Angamaly.²⁵

In his own eparchy an eparchial bishop exercises executive power of governance in all ordinary affairs through the vicar who is by law the protosyncellus or syncelli. Now, a vicar, endowed with ordinary vicarious power of governance proper to a protosyncellus, is entrusted with all ordinary affairs of the archeparchy of Ernakulam-Angamaly. By law, a protosyncellus, who assists the eparchial bishop in governing the whole eparchy, has the executive power of governance as the eparchial bishop excepting those things that the eparchial bishop has reserved to himself or to others (cc. 245, 248). Hence the major archbishop always retains his rights and duties as the eparchial bishop to intervene whenever circumstances warrant it or when the vicar requests for it.²⁶ Moreover, he himself remains the sole legislator (c. 241) of the archeparchy. He is to personally exercise legislative power and it cannot be delegated to another (c. 191 § 2; 985 § 2). The judicial power, however, is exercised either personally or through a judicial vicar and judges (c. 191 § 2).

b) Ordinarily the major archbishop is entitled to preside over the liturgical solemnities in his own cathedral.

The major archbishop, as the bishop of the archeparchy of Ernakulam-Angamaly, has the right of liturgical presidency in the cathedral, especially, in the liturgical solemnities such as the Nativity of Our Lord, Blessing of the Holy Myron, and the Holy Week Liturgy.²⁷ He is the moderator, promotor and the guardian of the entire liturgical life in the eparchy entrusted to him (c. 199). The conciliar document

²⁵ *Guidelines, n. 6*

²⁶ *Guidelines, n. 6*

²⁷ *Guidelines, n. 7*

Sacrosanctum Concilium no. 41 affirms that “the principal manifestation of the Church consists in the full, active participation of all God’s holy people in the same liturgical celebrations, especially in the same Eucharist, in one prayer, at one altar, at which the bishop presides, surrounded by his college of priests and by his ministers”. Great care is to be taken of the eparchial liturgical life around the bishop at the cathedral which is the sanctuary where liturgy is celebrated in an exemplary manner (cc. 198-200; 178; 700 § 2).²⁸ Thus the liturgical presidency of the eparchial bishop according to the prescriptions of the liturgical books and vested in pontifical insignia, especially, on solemnities is a clear manifestation of his solidarity with his own flock as its pastor. This inalienable right of the metropolitan archbishop is kept intact in the Guidelines.

c) The major Archbishop is positively encouraged to make pastoral visits to parishes of the archeparchy, after having informed the vicar.

It is stipulated in law that the eparchial bishop, either personally or, if impeded, through his delegates, should make canonical visitation of the entire eparchy at least every five years (c. 205). Canonical visitations not only fulfil an administrative requirement of supervision, but also realises a pastoral necessity for the eparchial bishop to maintain contact with the people of his eparchy.²⁹ The right of the major archbishop as the eparchial bishop of Ernakulam-Angamaly to conduct canonical visitation of his own archeparchy is thus highlighted in the Guidelines.³⁰

²⁸ Congregation for the Eastern Churches, *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, 49

²⁹ Sacred Congregation for Bishops, *Directory on the Pastoral Ministry of Bishops*, no. 166

³⁰ *Guidelines*, n. 7

d) The major archbishop is to be commemorated in the Divine Liturgy and in divine praises as ‘major archbishop and head of our archeparchy’ all throughout the archeparchy.

Liturgical commemoration is an act of public declaration of ecclesial communion of the liturgical community with their hierarch. The eparchial bishop is to be commemorated by all the clergy of the eparchy in the Divine Liturgy and in the divine praises in all places subject to his authority (c. 209 § 2). Deliberate omission of the commemoration of the hierarch is liable for proportionate penal sanction, not excluding major excommunication (c. 1438).

The right of liturgical commemoration which is due to the major archbishop as the bishop of the archeparchy is well conserved by this norm of the Guidelines. He is to be commemorated in Divine Liturgy and in divine praises, after the name of the Roman Pontiff, as ‘major archbishop and head of our archeparchy’ all throughout the archeparchy of Ernakulam-Angamaly.³¹

Thus the canonical figure of the major archbishop is rather well protected by the norms approved by the synod.

3.2 The Vicar of the Major Archbishop

As in the case of other eparchial bishops, in his own archeparchy the major archbishop is obliged to appoint a protosyncellus or other syncelli with ordinary vicarious power (c. 245). Hence the appointment of the vicar of the metropolitan is perfectly in agreement with the law. However there are certain novelties introduced about him:

a) Normally, in every eparchy the protosyncellus or the syncelli, with ordinary vicarious power of governance, are to be freely appointed or removed by the eparchial bishop unless they are coadjutor/auxiliary bishops (c. 247 §1; 215, §§1, 2). Here, in the case of the vicar, he is

³¹ *Guidelines, n. 7*

elected by the synod of bishops and appointed by the major archbishop. It is stipulated in the *Guidelines* that ‘if the elected one is not a bishop, ordinary procedure for the election of bishops is to be followed’. Hence the vicar is always presumed to be an ordained bishop. This is an additional qualification required of the vicar and hence distinctive of the protosyncellus or syncelli of other eparchies where there are no coadjutor/auxiliary bishops constituted (cc. 247 § 215 §§1-2).

b) As it is clear, the prerequisite of election by the synod of bishops is introduced because of the fact that the figure of the vicar is episcopal in nature. Since the election is made by the synod as in the case of any other bishop, it is also reasonable to assume that the vicar cannot be removed without the approval of the same synod. Here, the synod is reasonably to be presumed to have given enough allowances to the preferences of the major archbishop in electing and removing the vicar in view of the smooth functioning of the office.

c) The title of ‘Archbishop’ with the titular see of Macriana Maggiore is given to the present vicar Mar Antony Kariyil *pro hac vice* (for this occasion). Hence it is not to be regarded as a permanent feature and such a title is not a *sine qua non* characteristic of the future vicars.

d) The vicar is *ex officio* the protosyncellus, endowed with ordinary vicarious power, of the archeparchy of Ernakulam-Angamaly. But, compared to the figure of the protosyncellus of other eparchies, the ‘Vicar *ad omnia*’ enjoys relatively greater freedom in the ordinary administration of the Archeparchy. He will have full powers in the fields of administration, finances and pastoral ministry, as for example, appointments and transfers of priests, in the archeparchy.³² However, he is obliged to consult the major archbishop on all important matters and brief him regularly about the administration. This last clause stresses the vicarious character of the vicar.

³² Letter CEO Prot. N. 125/2011, para 7

e) In the ordinary governance of the archeparchy, the vicar is assisted by the archeparchial curia (c. 243) and the canonical bodies, namely, the ‘college of eparchial consulters’ (c. 271), the ‘presbyteral council’ (c. 264), the ‘finance council’ (c. 263), and the ‘pastoral council’ (c. 272).³³ For the existing canonical bodies, after taking charge of the office, the vicar is free to dissolve, suspend, revive or reconstitute them as per norms of law and in consultation with the major archbishop.³⁴

f) According to common law, the eparchial bishop represents the eparchy in all juridic affairs (c. 190). Here, there is a slight modification introduced with regard to the vicar of the major archbishop. It is specified that he will represent the archeparchy of Ernakulam-Angamaly for all legal effects and purposes before civil authorities. Again, he is authorized to sign documents personally or through his representative on behalf of the metropolitan archbishop of Ernakulam-Angamaly in temporal affairs. He is fully responsible for the temporal administration of the archeparchy as per norms of law. Although he acts as the immediate authority, the metropolitan archbishop will function as appellate authority in this regard.³⁵

This modification is supposed to be introduced from practical experience and as a precautionary measure to safeguard the person of the major archbishop from direct attacks of suing him in civil courts as it is witnessed in the Syro-Malabar Church in recent years.

h) Commemoration in the Divine Liturgy and in the divine praises is a prerogative of, first, the Roman Pontiff, second, the Patriarch / Major Archbishop / Metropolitan (*sui iuris*), third, the provincial Metropolitan and, finally, the eparchial Bishop (cc. 91, 161, 135, 209

³³ Decree, para 7; Letter CEO Prot. N. 125/2011, para 7

³⁴ Decree, para 7

³⁵ Guidelines, n. 10

§ 2). For coadjutor, auxiliary or any other titular bishops, commemoration is not stipulated in canon law. Hence it is a matter of honour granted by the synod of bishops to the vicar of the metropolitan of Ernakulam-Angamaly that his name be commemorated in the liturgy after the name of the major archbishop within the territory of the archeparchy.³⁶

i) As per common law, the administrator of a vacant major archiepiscopal Church, unless otherwise determined by particular law, is the senior bishop according to episcopal ordination among the bishops of the major archiepiscopal curia, or if there are not any, among the bishops who are members of the permanent synod (c. 127). The particular law of the Syro-Malabar Church also specifies the same norms (PL Art. 7; Statutes of the Synod of Bishops, Art. 6.2.3). Thus, with regard to the office of administrator of a vacant major archiepiscopal Church, canon 127 presents three possibilities. The administrator can be: 1) the bishop who has been pointed out in the particular law of the Church; 2) the senior bishop according to episcopal ordination among the bishops of the major archiepiscopal curia; and, 3) if there are no curial bishops, the senior most bishop according to episcopal ordination among the members of permanent synod. As it is very clear from the canon, the synod of bishops is competent to make legislation on the person of the administrator through particular law. Only when there is no such prescription in the particular law, the other two possibilities of the common law can be resorted to. Here, the particular law of the Syro-Malabar Church does not give any such provision, and it simply reiterates the latter two possibilities of the common law.

On the see of the major archbishop, the administrator of the vacant major archiepiscopal Church has the same rights and obligations

³⁶ *Guidelines, n. 8*

as the administrator of a vacant eparchy (c. 129). Since he is an ordained bishop, even during the vacancy, the vicar as protosyncellus, continues to function in his office (cc. 224, 132 §2). However, since the ordinary power is lost by loss of office to which it is connected (c. 991 §1), the vicar needs to be confirmed to continue in office when the new major archbishop takes charge of the office, unless the synod makes other provisions.³⁷

4. Final Evaluation

To make a general assessment of the canonical concept of the ‘vicar’ envisaged by the synod of bishops of the Syro-Malabar Church two considerations are very pertinent: its legality and its title’s appropriateness.

4.1 The Legality of the Concept

In evaluating the office of the ‘Vicar of the Major Archbishop’ as envisaged by the synod of bishops of the Syro-Malabar Church, the first consideration is to examine the legality of the concept. We have to analyse whether it comes within the framework of canon law (*intra legem*), beyond or aside of it (*praeter legem*) or contrary to it (*contra legem*).

In the Church legislative power must be exercised in the manner prescribed by common law; that which is possessed by a legislator who is below the supreme authority in the Church cannot be validly delegated unless the common law provides otherwise. Furthermore, a law that is contrary to a higher law cannot be enacted by a legislator who is below the supreme authority in the Church (c. 985 §2). Thus, the synod of bishops is restricted by the law enacted by the Roman Pontiff, and it cannot make a law contrary to it without the permission of the pope. Hence, if the newly created office of the vicar is *contra*

³⁷ *Guidelines, n. 11*

legem ecclesiasticam and hence directly against the law, it is illegal and does not have existence in the legal system unless the competent authority gives permission for its existence as an exception. Surely, as we have seen above, even *prima facie*, the concept under analysis is not *contra legem*.

It is, therefore, either *intra legem*, i.e., an item that comes within the purview of the existing law, or *praeter legem*, i.e., alongside the existing law, without contradicting it. The latter refers to an item that is not regulated by the existing common law, but is not illegal.³⁸ In other words, it is an expansion of law opening new horizons without going against the existing common law. Our analysis of the figure of the major archbishop and the rights and duties of the vicar envisaged by the aforementioned documents reveals that they are consonant with the common and particular laws of the Church. Consequently, since it is not contrary to the common law, seeking for the approval of the new office of the vicar from the Apostolic See is not required by law.

4.2 The Inappropriateness of the Title ‘Vicar of the Major Archbishop’

The terminology ‘Vicar of the Major Archbishop’ is found in canon 78. There it is stated that a major archbishop is not permitted to appoint a vicar for the entire major archiepiscopal Church (c. 78 §1). The power of the major archbishop is ordinary, proper and personal for his offices (cc. 78 §1; 178). It is personal in that it is bound to his personality and cannot be delegated in its entirety. Hence he cannot constitute a vicar for the entire major archiepiscopal Church nor can he delegate his power to someone for all cases (c. 78 §1). The entire power cannot be delegated since it is not consonant with the

³⁸ Cfr. James T. Bretzke, *Consecrated Phrases: A Latin Theological Dictionary*, (Minnesota, 2013) 188

law to have someone not elected by the synod of bishops to exercise power of the major archbishop to the full extent.³⁹ However, in his own archeparchy, as in the case of other eparchial bishops, he is obliged to appoint a protosyncellus or other syncelli with ordinary vicarious power (c. 245).

In the Syro-Malabar Church, the vicar is appointed only in relation to the archeparchy of Ernakulam-Angamaly and he has nothing to do with the other tasks proper to the major archbishop as the father and head of the entire Church or the metropolitan of the ecclesiastical province. The fact that the vicar is appointed only for the archeparchy is very clearly depicted in the ‘Decree of Canonical Provision’ and in the ‘Guidelines’ approved by the synod. It is opportune here to remember that when the synod of bishops of the Syro-Malabar Church for the first time discussed the matter in its XV Synod in 2007, and also in later synods, the synodal fathers were thinking about a figure of a ‘protosyncellus auxiliary bishop, having the title of archbishop’, to be given the charge of the ordinary administration of the archeparchy.⁴⁰

Now, what is inappropriate is the very title and not the content of the figure of the vicar. Although the suffix, ‘for the Archeparchy of Ernakulam-Angamaly’, is there in the title, the use of the terms ‘vicar of the major archbishop’ is misleading. At first sight it can give the impression that there is constituted a vicar of the major archbishop for the entire Church which is contrary to the law in c. 78 §1. In common parlance, especially, when the first part alone is used, it will sound very irregular and even erroneous. A more fitting terminology would

³⁹ Cfr. *Nuntia* 22 (1986) 57-58. “There have been extraordinary cases wherein the Roman Pontiff has appointed a coadjutor to assist the patriarch in the governance of the patriarchal Church, e.g., in the Maronite Church and in the Ukrainian Major archiepiscopal Church”, J. Faris, *Eastern Catholic Churches: Constitution and Governance*, 275-276

⁴⁰ *Guidelines*, n. 3

have been ‘Metropolitan Vicar for the Archeparchy of Ernakulam-Angamaly’ or ‘Vicar of the Metropolitan Archbishop for the Archeparchy of Ernakulam-Angamaly’. In fact, in the Guidelines it is stipulated that the vicar is to be commemorated in the liturgy with the words “... for the Metropolitan Vicar of the Archeparchy, Mar (name) ...,”⁴¹ which is unequivocal and appropriate.

Here, we may remember that there is a somewhat similar figure in the governance of the diocese of Rome and he is not called the ‘Vicar of the Pope’ or the ‘Vicar of the Roman Pontiff’, but the ‘Vicar of the Bishop of Rome’. The terms like ‘Pope’, ‘Roman Pontiff’ and ‘Major Archbishop’ have wider canonical implications than the terms ‘Bishop of Rome’ and ‘Metropolitan of Ernakulam-Angamaly’ which have rather limited geographical connotations.

Conclusion

As it is clear, the term vicar means someone who exercises authority vicariously, that is, on behalf of someone who has ordinary proper power. Thus the ‘vicar’ represents the metropolitan archbishop and exercises ordinary vicarious power over the entire archeparchy on behalf of him. Nothing of the provisions, made so far by the Syro-Malabar synod of bishops regarding the vicar, is contrary to the law (*contra legem*). As we have seen above, most of them fall within the scope of the existing law (*intra legem*) and a few have larger application of the same law without contradicting it (*praeter legem*). Such provisions are: 1) The election of the vicar by the synod of bishops; 2) the episcopal dignity of the vicar; 3) his right of full powers in administration, finance and pastoral ministry; 4) his representation of the archeparchy in civil fora; and, 5) his right of liturgical commemoration. All these are instances of permitted variations of the

⁴¹ *Guidelines, n. 8*

existing law introduced either to cope with unusual circumstances or to open new vistas of law.

The letter of the cardinal prefect of the Oriental Congregation to the major archbishop states that the decision of the synod to create the office of the vicar is “taken for the present situation and comes into force simultaneously with the official publication of the appointment of the vicar and of this Letter on 30 August 2019”.⁴² The letter, however, adds: “For the future, the synod of the Syro-Malabar Church may decide whether this ecclesial arrangement is to become permanent – thus valid also for the successors of Your Beatitude – within the framework of the particular law, subject to the *recognitio* of the Apostolic See as per ordinary procedure for such legislation”.⁴³

The Syro-Malabar Synod has approved the *Guidelines on the Vicar* after incorporating into it the suggestions from the Apostolic See in the Second Session of the XXVII Synod held from 19 to 30 August 2019.⁴⁴ The *Decree of Major Archiepiscopal Letter of Canonical Provision of the Vicar* issued by the major archbishop on 30 August 2019 affirms its approval by the synod of bishops and refers it to be part of the norms of law by which the vicar is to discharge his duties in the archeparchy of Ernakulam-Angamaly.⁴⁵ Thus it is now

⁴² *Letter CEO Prot. N. 125/2011*, para 7

⁴³ *Letter CEO Prot. N. 125/2011*, para 7

⁴⁴ In the explanatory note of the *Guidelines* published in *Synodal News* vol. 27, p. 219 we read as follows: “These Guidelines on the Office of Vicar of the Major Archbish-op for the Archeparchy of Ernakulam-Angamaly were first dis-cussed in the Synod of Bishops held in January 2019 and sent to Rome for their observations. Incorporating the suggestions from the Congregation for the Oriental Churches, Rome, the Guide-lines were finally approved with necessary modifications by the Synod of Bishops in the Second Session of the XXVII Synod held from 19 to 30 August 2019.”

⁴⁵ “As the Vicar *ad omnia* of the Major Archbishop for the archeparchy of Ernakulam-Angamaly endowed with ordinary vicarious power (c. 245) you shall exercise your duties as per norms of law (Common Law CCEO, the Particular Laws of the Syro-Malabar Church, and the Guidelines for the Vicar approved by the Synod)”, *Decree*, para 7, *Synodal News* vol. 27, 204.

part of the particular law of the Syro-Malabar major archiepiscopal Church and the figure of the ‘vicar of the metropolitan for the archeparchy of Ernakulam-Angamaly’ is made a stable office in that archeparchy within the purview of the same particular law, which the synod is free to change when it wishes.

Addenda

Appendix 1

Prot. No. 1317/2019

DECREE

Major Archiepiscopal Letter of Canonical Provision

Vicar of the Major Archbishop

for the Archeparchy of Emakulam-Angamaly

**GEORGE CARDINALALENCHERRY,
THE MAJOR ARCHBISHOP**

**OF THE SYRO-MALABAR CHURCH sends
his paternal Blessings**

**to YOUR EXCELLENCY MAR ANTONY KARIYIL CMI
at present Bishop of the Eparchy of Mandya.**

Whereas, considering my suggestion and deliberating on the nature of the dual offices of the Major Archbishop, namely, the head of the entire Syro-Malabar Church and Archbishop of the Archeparchy of Ernakulam-Angamaly, the Synod of Bishops of the Syro-Malabar Church in the first Session of the XXVII Synod (7-18 January 2019) has discussed and decided in favour of appointing a Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly for the ordinary administration of the said Archeparchy;

Whereas, you as a person endowed with exemplary episcopal qualities with adequate intellectual formation, administrative experience

and spiritual vision, having demonstrated especially in your Episcopal ministry in Mandya and is found suitable for the above mentioned office of Vicar of the Archeparchy;

Whereas, the Synod of Bishops of the Syro-Malabar Church in the Third Sitting of the XXVII Synod Session II on Thursday, 22 August 2019, has elected you to the office of the Vicar *ad omnia* (that is, for all matters of ordinary administration) of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly, transferring you from the Office of Bishop of the Eparchy of Mandya;

Whereas the Apostolic See, by its letter Prot. No. 125/2011 dated 29 August 2019 has approved the said election and transfer; and

Whereas Holy Father Pope Francis has conferred upon you the title of Archbishop elevating to the same rank *pro hac vice* (that is, for this occasion) the titular see of *Macriana Maggiore* with the abovementioned letter of the Congregation for the Oriental Churches;

In virtue of the authority vested in me as the Major Archbishop of the Syro-Malabar Church and Archbishop of the Archeparchy of Ernakulam-Angamaly to provide the people of God entrusted to my care with pastors and efficient systems of governance, and guided by the consideration of the good of the faithful of the Archeparchy of Ernakulam-Angamaly and of the entire Syro-Malabar Church, I, George Cardinal Alencherry, the Major Archbishop, hereby transfer you from the Eparchy of Mandya and appoint you Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly.

As the Vicar *ad omnia* of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly endowed with ordinary vicarious power (c. 245), you shall exercise your duties as per norms of law (Common Law CCEO, the Particular Laws of the Syro-Malabar Church, and the Guidelines for the Vicar approved by the Synod). In the governance of the Archeparchy, you shall be assisted by the

Archeppiscopal Curia (c. 243) and the canonical bodies, namely, College of Consulters (c.271), the Presbyteral Council (c. 264), the Finance Council (c. 263); the Pastoral Council (c. 272) and any other body legitimately constituted by the competent authorities. After taking charge of your office as Vicar, as decided by the Synod, you may dissolve, suspend, revive or reconstitute them as per norms of law, in consultation with the Major Archbishop.

This decree comes into effect on Friday, 30th August 2019. In the light of the understanding reached in the Synod, you are to take canonical possession of your office in accordance with the norms of law on Friday, 30th August 2019.

Commending you to Our Lord, the Master Shepherd and praying that through the intercession of Mary, *Mater amabilis* and St. Thomas, our Apostle you may in close communion with me, the Major Archbishop of the Syro-Malabar Church and Archbishop of the Archeparchy of Ernakulam-Angamaly, the entire clergy, the consecrated persons and other faithful of the said Archeparchy, fulfil the duties of your office as “an example in speech and conduct, in love, in faith, in purity” (1 Tim. 4:12), I send you, my hearty congratulations and prayerful good wishes.

All contrary dispositions notwithstanding.

Given at Kakkannad from the Syro-Malabar Major Archiepiscopal Curia at Mount St. Thomas on Friday, the 30th day of the month of August of the year 2019 under my seal and signature.

(sd)

George Cardinal Alencherry
Major Archbishop of the Syro-Malabar Church
& Archbishop of the Archeparchy of Ernakulam-Angamaly

(sd)

Fr. Vincent Cheruvathoor
Chancellor, Major Archiepiscopal Chancellor

Appendix 2

Guidelines on the Office of Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly

1. The Syro Malabar Church, which had its origin from the apostolate of St. Thomas in India, was raised as a Major Archiepiscopal Church on 16 December 1992 having its See with the Title of “Ernakulam-Angamaly” and having the residence at the principal city Ernakulam.

2. The Major Archbishop, besides being the ‘father and head’ of the whole Syro Malabar Church, is also the Metropolitan Archbishop of the Archeparchy of Ernakulam-Angamaly (CCEO cc. 55-56, 57 §3, 151-153). Common law demands that for the administration based on these two offices there should be distinct curia, namely, Major Archiepiscopal Curia for the affairs of the whole Church (CCEO c. 114) and Curia for the Archeparchy of Ernakulam-Angamaly (CCEO c. 243).

3. Since the Major Archbishop has to care for the pastoral affairs of the whole Syro Malabar Church, it was not easy for him to concentrate on the ministry in the Archeparchy of Ernakulam-Angamaly. Hence, in the XV Synod (2007) January and August sessions, there was a suggestion to have an ‘Administrative Archbishop’ for the Archeparchy of Ernakulam-Angamaly, namely, the Protosyncellus Auxiliary Bishop, having the title of Archbishop be given the charge of the ordinary administration of the Archeparchy. Later sessions of the Synods also had discussions in this regard.

4. In the last 25 years of its existence, the Syro Malabar Major Archiepiscopal Church has grown global with several eparchies and archeparchies. Because of the global mission, it has become very

difficult for the Major Archbishop to dedicate more time for the ordinary administration of the Archeparchy of Ernakulam-Angamaly, the biggest eparchy of this Church. Given the said situation, the Synod of Bishops of the Syro Malabar Church in its XXVII Synod session 1, held during 7-18 January 2019, discussed the nature of work of the Major Archbishop in both offices and deliberated on the possibilities of making his ministry more effective. The Synod reached consensus that a Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly with episcopal status be appointed and decision to that effect was taken. The Vicar shall *ex officio* be the Protosyncellus of the Archeparchy of Ernakulam-Angamaly.

5. The said ‘Vicar of the Major Archbishop’ shall be elected by the Synod of Bishops and be appointed by the Major Archbishop. If the elected one is not a bishop, ordinary procedure for the election of bishops shall be followed.

6. The appointment of the Vicar is without prejudice to the prerogatives, rights and obligations of the Major Archbishop in relation to the Archeparchy. He has the right and duty to intervene when circumstances warrant it or when the Vicar requests for it.

7. He shall be commemorated in Liturgy¹ (Major Archbishop and Head of our Archeparchy). Ordinarily, the Major Archbishop shall preside over the solemnities like the Nativity of Our Lord, Blessing of the Holy Myron, Holy Week Liturgy, in the Cathedral. He may make pastoral visits to parishes in the Archeparchy after having informed the Vicar.

8. After the name of the Major Archbishop, the name of the Vicar of the Major Archbishop shall also be commemorated in the Liturgy within the territory of his Archeparchy.

9. The Vicar *ad omnia* of the Major Archbishop endowed with ordinary vicarious power (CCEO c. 245) administers the Archeparchy

of Ernakulam-Angamaly in all ordinary affairs in accordance with the norms of law. However, he shall not fail to consult the Major Archbishop on all important matters and administration. The Vicar is competent to make appointments, constitute different councils of administration and shall have the duty of supervision.

10. As the Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly, he represents the Archeparchy in juridical matters before civil authorities. He is responsible for the running of the Archeparchy as per norms of law. He is authorized to sign documents personally or through his representative on behalf of the Archbishop of Ernakulam-Angamaly on temporal affairs and is fully responsible for the temporal administration of the Archeparchy as per norms of law. The Major Archbishop acts as appellate authority in this regard.

11. When the See of the Major Archbishop becomes vacant, the Administrator takes charge as per norms of law (CCEO c. 127; Particular Law no. 7). But the Vicar continues to function in his office for the Archeparchy of Ernakulam-Angamaly (CCEO cc. 224, 132 §2). When the new Major Archbishop takes charge, (cfr. c. 991 §1) the Vicar is confirmed to continue in office, unless the Synod makes other provisions.

(These Guidelines on the Office of Vicar of the Major Archbishop for the Archeparchy of Ernakulam-Angamaly were first discussed in the Synod of Bishops held in January 2019 and sent to Rome for their observations. Incorporating the suggestions from the Congregation for the Oriental Churches, Rome, the Guidelines were finally approved with necessary modifications by the Synod of Bishops in the Second Session of the XXVII Synod held from 19 to 30 August 2019.)

Appendix 3

August 29, 2019

CONGREGATIO PRO ECCLESIIS ORIENTALIBUS

Prot. No. 125/2011

His Beatitude

George Card. ALENCHERRY

Major Archbishop of Emakulam-Angamaly
for Syro-Malabar faithful

The Syro-Malabar Major Archiepiscopal Curia

Mount St. Thomas - Post Box N. 3110

KAKKANAD, KOCHI - 682 030, India

Your Beatitude,

The Holy Father looks with affection and esteem towards the venerable Syro-Malabar Major Archiepiscopal Church. The spread of the Gospel, the numerous religious and social works, the pastoral care of vibrant communities of faithful in India and around the World, the abundance of vocations to priesthood and to the consecrated life as well as so many committed lay people are all reassuring signs of the vivid and active presence of the Risen Lord.

To be remembered also are the appreciation and confidence that Pope Francis showed to you with his well-known Letter addressed to the Bishops of India on 9 October 2017, which represents an important contribution for the future of the Syro-Malabar Church.

Nonetheless, the sad events related to the governance of the Archeparchy of Emakulam-Angamaly and the attitudes of some priests and laity have provoked and continue to cause a lot of suffering and great concern. Most astonishing are the harsh disputes and divisions

on various levels, whose contents, in addition, are unscrupulously spread through the media, disregarding the due respect towards the Church and towards the concerned persons. All of these represent a severe wound to the Body of Christ that regards not only the Syro-Malabar Church, but also risks harming the whole Catholic Church in India.

In the last few months and in constant dialogue with this Congregation, Your Beatitude has shared some considerations on possible general solutions regarding the relationship between the governance of the entire Syro-Malabar Church on one hand and the governance of the Archdiocese of Emakulam-Angamaly on the other. During the most recent encounters here in Rome you have yourself repeatedly presented your wish that this governance be reorganised, by means of a thoroughly evaluated and gradual legislative process. Further, the topic has been discussed and approved by the Synod of the Syro-Malabar Church. On all this the Holy Father, obviously, has been constantly kept informed and this Dicastery, for its part, has studied the matter attentively.

Taken into consideration the above-mentioned solutions envisaged by Your Beatitude, the appointment by the Holy Synod of the Vicar of the Major Archbishop for the Archeparchy of Emakulam-Angamaly, has been accepted positively and with hope. Evidently, the moment has come to give to this ecclesial figure a proper form and to define better its role for the good of the Archeparchy in question, in view of an in-depth and lasting solution to the present disputes, assuring also a necessary improvement of the economic management for the future.

On 27 August, I have informed the Holy Father in detail of the decisions adopted by the Synod, which will be officially published in the Vatican on 30 August 2019. Pope Francis, also in reply to your wish, has mandated this Congregation to communicate to you the following:

The Vicar elected for the Archeparchy of Ernakulam-Angamaly, Bishop Antony Kariyil, will have full powers in the fields of administration, finance and pastoral ministry (as for example appointments and transfers of priests) in the said ecclesiastical circumscription, observing whatever is prescribed by the law, including the obligatory consultations and approvals of various bodies such as College of Consultors, Finance Council (Committee for Financial Consultation), Presbyteral Council and Pastoral Council. He will also represent the Archdiocese of Ernakulam-Angamaly for all legal effects and purposes. In this way, Your Beatitude will dedicate yourself to the care of the Syro-Malabar Major Archiepiscopal Church as a whole, conserving always the liturgical presidency and the remembrance of your name in the anaphora. This decision has been taken for the present situation and comes into force simultaneously with the official publication of the appointment of the Vicar and of this Letter on 30 August 2019. For the future, the Synod of the Syro-Malabar Church may decide whether this ecclesial arrangement is to become permanent - thus valid also for the Successors of Your Beatitude - within the framework of the particular law, subject to the *recognitio* of the Apostolic See as per ordinary procedure for such legislation.

Further, as proposed, the Holy Father has granted to Bishop Anthony Kariyil, C.M.I., the title of Archbishop, elevating to the same rank *pro hac vice* (for this occasion) the titular see of Macriana Maggiore, which has been assigned to him.

In view of the imminent visit “*Ad Limina Apostolorum*” of the Bishops of India, we wish wholeheartedly and we pray insistently to the Lord that peace, concord and unity may return soon and in full to the Archdiocese of Ernakulam-Angamaly, and become visible to the eyes of all.

I would kindly ask you to publish this Letter contemporaneously with the provisions of the Synod concerning the appointments of the Bishop of Bijnor, Bishop of Mandya, Vicar for the Archeparchy of Ernakulam-Angamaly and Auxiliary Bishop of Faridabad on 30 August 2019.

With kind regards and assurances of my prayers, I remain

Sincerely,

(sd)

Leonardo Card. Sandri

Prefect

(sd)

Cyril Vasil, S.I.

Archbishop Secretary