

FIRST VATICAN ECUMENICAL COUNCIL: CANONICAL IMPLICATIONS FOR THE EASTERN CHURCHES: A RETROSPECT 150th Anniversary of the First Vatican Council

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Abstract

The article examines the First Vatican Council (1869–1870), convened to address challenges posed by rationalism, liberalism, and modernity, while reaffirming papal primacy and infallibility through *Pastor Aeternus* and *Dei Filius*. Interrupted by the Franco-Prussian War, the Council's abrupt suspension left unresolved debates on ecclesiastical governance, particularly for Eastern Churches advocating self-rule. Contrasting the centralized authority emphasized at Vatican I, the Second Vatican Council (1962–1965) embraced unity-in-diversity, recognizing Eastern Churches' autonomy and traditions. Post-Vatican II reforms codified this shift through separate codes for Latin and Eastern rites (1983 CIC, 1990 CCEO), affirming *sui iuris* Churches'

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rights to preserve liturgical and disciplinary heritage. The article highlights the theological evolution from hierarchical centralization to a communion-based ecclesiology, underscoring the Eastern Churches' restored legitimacy in India and global Catholicism.

Key Words: Canon Law; Eastern Churches; Ecclesiology; First Vatican Council; Infallibility; Papal Primacy; Self-Governance

Introduction

Ecumenical Councils are gatherings or conferences of ecclesiastical dignitaries and theological experts. They are convened to consider, discuss, settle and rule on questions of doctrine, administration, discipline and other matters of special importance. The word ecumenical is derived from *oikoumene* which means whole world. The participants selected from the whole world address issues of faith or matters of serious by nature and affect the whole Church. According to Roman Catholic doctrine a council is not considered ecumenical if it is not convoked by the Pope and the decrees of the council are not binding unless and until they are promulgated by the Pope. Such decrees are presumed to have the highest authority in the Church. In the history of Christianity, the first seven ecumenical councils include I Nicaea (325), I Constantinople (381), Ephesus (431), Chalcedon (451), II Constantinople (553) III Constantinople (680 – 681) and II Nicaea (787).

Eastern Orthodox Churches recognise only the seven ecumenical councils as ecumenical. The Roman Catholic Church adds an eighth one before the schism of 1054 which permanently divided Eastern and Western Christianity. It is the Fourth Council of Constantinople (869–870) which excommunicated Photius, the Patriarch of Constantinople. Roman Catholic Church also considers thirteen later councils as Ecumenical.¹ Each and every council aimed at addressing and settling

¹The Council of *Trullo* (691/692) was not considered as ecumenical by all in the West. However, one can notice that the First Common Code of Eastern Canon Law was established in the first canon of the Council of Chalcedon (451). It reads as follows: "We have deemed it right that the canons hitherto issued by the saintly fathers at each and every synod should remain in force," in Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, Vol. I (London & Washington: Sheed & Ward and Georgetown University Press, 1990), 87. The second canon of the council in *Trullo* refers to a second common code for the Eastern churches: "It has also seemed good to this holy Council, that the eighty five canons, received and ratified by the holy and blessed Fathers before us, and also handed down to us in the name of the holy and glorious Apostles should from this time forth remain firm and unshaken for the cure of souls and the healing of disorders," in Henry R. Percival, ed., *The Seven Ecumenical Councils*, Nicene and post – Nicene Fathers of the Christian Church, II series, vol. XIV, Edinburgh and Michigan: T&T Clark and WM.B. Eerdmans Publishing Company, 1988, 361.

certain issues or redressing a crisis of the period. Herein is an attempt to examine the nature of the crisis the First Vatican Council encountered and how the deliberations of the Council contributed to tackling the questions and issues with respect to matters of faith and discipline of the Church.

1. Historical Overview of the First Vatican Council

It is now a century and a half since the First Vatican Ecumenical Council (1869–1870) came to an abrupt end due to the Franco-Prussian war which broke out unexpectedly. This is the twentieth Ecumenical Council in the history of Christianity. This Council was convened by Pope Pius IX three hundred years after the Council of Trent (1545–1563). It is also an unhappy coincidence that the First Vatican Council marked the thousandth anniversary of the Fourth Council of Constantinople (869–870) in which the Patriarch Photius of Constantinople was excommunicated.

Among the seven hundred and forty-four participants, seven hundred bishops from all over the world participated in the Council. Though certain leaders of the non-Catholic Churches were invited they declined the offer. Political leaders were turned down as a policy matter. The purpose of the council was to redefine the fundamental principles of the Church and to liberate the people of God from the rising Influences of rationalism, liberalism, materialism, socialism and communism followed by French Revolution and the Industrial Revolution. It also intended to bring about renewal in the Church. Two documents were passed in the Council: *Pastor Aeternus* on Roman Primacy and *Dei Filius* on the doctrine of Infallibility.

Pope Pius IX convoked the Council on 29 June 1868. The planning and preparation began already on 06 December 1864. It was formally opened on 08 December 1869 and adjourned on 20 October 1870. The outbreak of the Franco-Prussian war interrupted the Council. Consequently, the sessions of the Council were suspended following the capture of Rome. The sessions never resumed. However, it was not officially closed. Later, after many decades in 1960, Pope John XXIII formally brought this Council to an end as part of preparations for the Second Vatican Council.

2. Two Documents of the Council

The dogmatic constitution on Catholic faith deals with God, the Creator of all things, revelation, faith, and reason. On the other hand, the dogmatic constitution on the Church of Christ concentrates mainly on the institution of the apostolic primacy in blessed Peter, the permanence of the primacy of Peter in the Roman Pontiff, the power

and character of the primacy of the Roman Pontiff, infallible teaching authority of the Roman Pontiff and the definition of papal infallibility. It is affirmed that the apostolic See and the Roman Pontiff hold a world-wide primacy and that the Roman Pontiff is the successor of Peter, the prince of the Apostles, true Vicar of Christ, head of the whole Church and father and teacher of all Christian people. Saint Peter is endowed with full power given by the Lord Jesus Christ, the authority to tend, rule and govern the Universal Church.

The principal interest of Pius IX was to safeguard orthodoxy and reassert the Church's dominance over and against the criticism of proponents of the theories of Enlightenment and Rationalism concerning Scriptures and the Church's doctrines, as well as the Church's worldly power and wealth. He aimed also to define the nature of the Church over and against the modernist and non-Christian philosophies that had undermined the basis of Christian authority. Besides, the exclusive and supernatural nature of Christian revelation was reasserted.²

In the context of modernisation consequent upon the erosion of spiritual values it was the dire need of the hour to protect the values. To achieve this end the power of the Pope has to be affirmed and asserted. Thus the document of *Pastor Aeternus* deals specifically with the nature of the Church of Christ; the position and authority of the Vicar of Christ; restriction of the intervention of the political/secular power in the internal Church matters:

Wherefore we teach and declare that, by divine ordinance, the Roman Church possesses a pre-eminence of ordinary power over every other church, and that this jurisdictional power of the Roman Pontiff is both episcopal and immediate. Both clergy and faithful, of whatever rite and dignity, both singly and collectively, are bound to submit to this power by the duty of hierarchical subordination and true obedience, and this not only in matters concerning faith and morals, but also in those which regard the discipline and government of the Church throughout the world. In this way by unity with the Roman Pontiff in communion and in profession of the same faith, the church of Christ becomes one flock under one supreme shepherd. This is the teaching of the Catholic truth, and no one can depart from it without endangering his faith and salvation.³

²Catholic modernism is a movement akin to that of liberal Protestantism. They accepted most sceptical conclusions of biblical criticism and asserted that the doctrines of the Bible, Pope and tradition were not infallible. Later, Pius X excommunicated those so-called modernists and clergy were required to take an anti-modernist oath.

³Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, Vol. II, 813-814.

In the light of this document the Italian Government passed a resolution on 13 May 1871 known as 'Italian Law of Guarantees'. The Catholic Church later accepted the same perspective of the First Vatican Council regarding Roman Primacy in the Second Vatican Document on Church, art. 22 and CCEO c. 43 and CIC c. 331.

3. Primacy of Supreme Pontiff

CCEO can. 43:

The bishop of the Roman Church, in whom continues the office (*munus*) given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ and pastor of the entire Church on earth. By virtue of his office (*munus*) he possesses supreme, full, immediate and universal ordinary power in the Church which he is always able to exercise freely."

The primacy of the Pope is so unique that there will not be any other power in the Church over and above the power of the Pope. There is no limit to the exercise of Pontifical power. He can freely exercise this power at his own will. His power is not subject to any civil or ecclesiastical power. He enjoys direct and immediate power over all the Christian faithful of the Universal Church just the Bishop has ordinary power over Christian faithful in his Eparchy. This power is also vested with the college of bishops in union with the Pope. The college of Bishops through the Ecumenical council fully exercises this power.

4. Doctrine of Infallibility

The second document is *Dei Filius* dealing with the infallibility of the Pope. It treats about revelation, and the relation between faith and reason. Definition of infallibility is: Therefore, faithfully adhering to the tradition received from the beginning of the Christian faith, to the glory of God our Saviour, for the exaltation of the catholic religion and for the salvation of the Christian people, with the approval of the sacred council, We teach and define as divinely revealed dogma that when the Roman Pontiff speaks *ex cathedra*, that is, when, in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole church, he possesses by the divine assistance promised to him in blessed Peter, that infallibility which the divine redeemer willed his church to enjoy in defining doctrine concerning faith or morals. Therefore, such definitions of the Roman pontiff are of themselves, and not by the consent of the church, irreformable."⁴ Based on the definition given in the teachings of

⁴Norman P. Tanner, *Decrees of the Ecumenical Councils*, Vol. II, 816.

Vatican I, the Second Vatican Council document on the Church formulated art. 25 on infallibility. CCEO 597 #1 and CIC c. 749 translated the conciliar teaching into canonical language:

CCEO – 597 # 1. “The Roman Pontiff, in virtue of his office (*munus*), enjoys infallible teaching authority if, as supreme pastor and teacher of all Christian faithful whose duty it is to confirm his fellow believers in the faith, he proclaims by a definitive act that a doctrine of faith or morals is to be held.”

#2. “No doctrine is understood to be infallibly defined unless it is clearly established as such.”

The Pope teaches authoritatively for the whole Church as the chief shepherd of the Church not as a private individual or a theologian. He is infallible when he teaches about faith and morals. The teaching shall be clear and precise without any tinge of doubt. He teaches the doctrine in the name of the Church and on behalf of the Church assisted by the Holy Spirit. He becomes infallible not by a majority vote or consent of Bishops.

Recently (October 22, 2020), the media discussed at length an observation of Pope Francis in matters regarding the civil protection of homosexuals. Truly, he was not at all teaching a doctrine about the possible rights of homosexuals. He was giving his personal opinion in the context of featuring a documentary film. As a solicitous pastor the Pope shared his concerns about those in a precarious deviated state of life. Being children of God they require love, care, concern, consideration and compassion, nothing else. So goes a saying: “*contra factum non valet argumentum*” (an argument does not prevail over a fact/truth/reality). God in his loving providence created man as male and female. Marriage and family are part of the Divine plan and no one is entitled to question it or to give a different interpretation against the divine will.

5. Teachings of the Magisterium

The teachings of the Catholic Church can be categorised into three: infallible, definitive and authentic but non-definitive. The presence of Jesus Christ in the Holy Eucharist, the doctrines of the Immaculate Conception and the Assumption of the Blessed Virgin Mary (*Dormition* of Holy Mary Mother of God) are examples of infallible teaching. The infallible doctrines require the assent of theological faith. It is based on the faith in the authority of the Word of God. The infallible or irreformable doctrines are either solemnly defined or proposed by the ordinary and universal magisterium as divinely revealed. In the second set of doctrines (definitive teaching) the assent is based on faith in the Holy Spirit’s assistance to the Magisterium and

on the teaching of infallibility. It means that although not dogmatically defined these doctrines are understood as infallibly taught by the Magisterium. On the other hand, the third set of doctrines requires religious submission or adherence (*obsequium*) of will and intellect. The reservation of priesthood to men is an example for a definitive teaching and finally the teaching on social justice is an example of authentic but non-definitive teaching. The bishops in Ecumenical Council also teach with infallibility. The bishops across the world in their own places, in union with the Pope also participate in the infallible teaching magisterium of the Supreme Pontiff when he teaches on matters of faith and morals without any doubt, clearly and precisely. They are exercising the ordinary power of governance. The Christian Faithful are obliged to accept the infallible teaching with *obsequium*.

6. Right of Eastern Churches for Self-Governance

About three years before the convocation of the First Vatican Council the Prefect of Propaganda Fide wrote to certain bishops of the Eastern Churches. He inquired about their opinions and suggestions to be included in the agenda of the possible new Ecumenical Council.⁵ The Melchite Patriarch Gregory Youssef in his reply stressed the need for proper canon law for the Eastern Churches. The absence of canonical legislation was leading to arbitrariness and several abuses in Church discipline. Bishop Joseph Papp-Szilagyi complemented the proposal by suggesting a code of penitential canons; canons concerning fasting, offenders of the Church not frequenting the sacraments and deferring the sacrament of reconciliation to the last moments of life. In short, he argued for the restoration of many headings of ecclesiastical discipline, almost a complete code.⁶

Chaldean Patriarch Mar Audo Joseph VI argued for a hierarchical structure for the churches of the East so that they may conserve their individuality, identity, autonomy and venerable patrimony. The representatives of the Armenian Church and of the Romanian Church insisted on the preservation of the venerable patrimony and traditions of the Eastern Churches. The Preparatory Commission for Missions and Eastern Churches discussed the need for a Code. The Latin Patriarch Joseph Valerga argued for a common code for East and West with due consideration for the specific Eastern customs, of course with prior approval from Rome.⁷ Still another proposal was about a code of

⁵Ioannes Dominicus Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, 54 Vols., H. Welter, Paris 1901–1927; Vol. 49, 182.

⁶AAS 82 (1990) 1048; Mansi, *Conciliorum*, vol. 49, 198–200.

⁷AAS 82 (1990) 1048; Mansi, *Conciliorum*, vol. 49, 987, 1012; 50, 31–34, 45–46, 74–75.

discipline or *manuale iuris* containing norms of ecclesiastical discipline. The Council did not take it seriously and could not actually formulate such a *manuale*. Although there had been similar proposals from the part of the representatives of the Eastern Churches, the Disciplinary Commission of the Council rejected them at the very outset.⁸ There was a prevalent opinion in favour of a universal discipline and any idea for a dual code and anything in favour of eastern churches considered as something exempt from universal discipline, that is Latin discipline. Hence it was staunchly opposed during the deliberations of the Council. For this reason the Commission decided to omit all reference to an Eastern Code in the schema.⁹

A representative of the Latin Church in the Preparatory Commission brought forth an argument saying that the Latin discipline was an ecclesiastical discipline, a universal discipline properly developed over centuries. The Eastern discipline, on the other hand was impeded from development because of schism or lack of unity between Eastern Churches and the Latin Church.¹⁰ The deliberations of the Council were centred on these burning issues. Bishop Joseph Papp-Szilagyi argued that an Eastern Code already existed. He identified the code of the Eastern Churches as the *Trullan* Code, that is, the canons approved in canon 2 of the Council of *Trullo* (691/692).¹¹ The Commission on Missions and Churches of Eastern Rite in its sixth session was fully convinced that the eastern churches were greatly in need of a Code of Canon Law to constitute their ecclesiastical discipline. Such a code would be of great authority, complete, common to all nations, and suited to all circumstances of space and time.¹² However, the Commission opted for a disciplinary unity in the whole Church due to the pressure of circumstances.¹³

There was a serious debate in the Council Hall. During the deliberations the observations of Mar Audo Joseph VI, Patriarch of the Chaldean Catholic Church deserve special attention. In the sixteenth general congregation of the Council, he defended the principle of variety which is a hallmark of catholicity. He pleaded a variety in those things other than matters of faith in as much as they are certainly a proof of divine power and omnipotence in the unity of the Catholic

⁸Mansi, *Conciliorum*, vol. 50, 45.

⁹Mansi, *Conciliorum*, vol. 50, 75.

¹⁰Mansi, *Conciliorum*, vol. 49, 993–994; vol. 50, 33.

¹¹Mansi, *Conciliorum*, vol. 50, 544; vol. 52, 383, Cf. also Ivan Zuzek, *Understanding the Eastern Code*, PIO, Rome, 1997, 214–215.

¹²Mansi, *Conciliorum*, 49, 1012.

¹³ Mansi, *Conciliorum*, 50, 31, 34, 45, 46, 74, 75.

Church. He stood for a new canon law to be compiled, corresponding to the ancient canons as well as the wishes of the Council and that he assured it would be submitted for approval of the Council fathers.¹⁴

7. Three Proposals for Ecclesiastical Legislations

During the different sessions of the Council there had been heated discussions. The general trend was that the Universal Church means the Latin Church and the only Code of Canon Law is that of the Latin Church. Unity in diversity was an unheard of a thing. The application of the principle of subsidiarity or decentralisation was not acceptable for the majority of Council fathers. However, the representatives of the Eastern Churches held a view that the antiquity and apostolicity of the Eastern Churches should be preserved at any cost. There emerged a three-fold formula of three proposals: A single code for the Universal Church; two common codes, one for the Latin Church, another for the Eastern Churches as well as for the twenty-two Churches of the East; a code for each Church *sui iuris* separately.

Since the Franco-Prussian War broke out, the Council sessions came to an abrupt end on October 20, 1870. Hence many of the items in the agenda could not be discussed and finalised.

8. Renewed Vigour for Eastern Traditions after the First Vatican Council

About two decades after the adjournment of the First Vatican Ecumenical Council, having been fully informed about the richness of the sacred heritage of the Eastern Churches Pope Leo XIII highly praised the variety of Eastern liturgy and discipline approved by law. He rightly pointed out that such a variety is indeed the mark of catholicity in the Church of God.¹⁵ He underlined the need for the preservation of the Oriental rites and the various ancient rites as ornaments of the Church universal¹⁶ Pope Leo XIII ordered that revision of canonical discipline of the Eastern Churches should be

¹⁴AAS 82 (1990) 1048; Mansi, *Conciliorum*, 50, 515, 516. The speeches of the two Patriarchs in the First Vatican Ecumenical Council defending the antiquity and apostolicity of the Eastern Churches are noteworthy. They underline the dire need of a unified common code for the Eastern Churches to ensure just autonomy and self-governance. The speech of Patriarch Youssef, Cf. Mansi, *Conciliorum*, 52, 133-137, 671-676; Speech of Patriarch Joseph VI Audo, Cf. Mansi, *Conciliorum*, 50, 513-516.

¹⁵Leo XIII, Apostolic Letter, *Orientalium Dignitas*, 30 November 1894, in Preface to the Latin edition of CCEO, AAS 82 (1990) 1048.

¹⁶"Si quidem in rituum Orientalium conservatione plus inest quam credi possit momenti. Augusta enim, qua varia ea rituum genera nobilitantur, antiquitas, et praeclaro est ornament Ecclesiae omni, et fidei catholicae divinam unitatem affirmat," in Apostolic Letter, *Orientalium dignitas ecclesiarum*, cf. Vittorio Peri, *Orientalis Varietas: Roma e le Chiese d'Oriente-Storia e Diritto canonico*, Roma: PIO, 1994, 335.

undertaken by the individual Churches and then submitted to Apostolic See for approval.

Nevertheless, ninety years after the close of the First Vatican Council, the discussions of the First Vatican Council showed signs of hope in the Second Vatican Council (1962–1965). The definition of Church as the people of God, doctrine of the priesthood of all believers gave an impetus to the new understanding of the Church. The Church as one and many, unity in diversity was inclusive of all Eastern Churches and various ecclesial communities. A positive and inclusive attitude towards various Catholic Eastern Churches, Orthodox sister churches and non-Christian religions was in contrast to the negative attitude of the First Vatican Council.

9. Second Vatican Council and Eastern Churches

The Decree on Eastern Churches elucidates the idea of individual Churches or rites as follows without any tinge of doubt:

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 and sacraments and by the same government and who, growing together in various hierarchically linked groups, make up the various churches or rites. There is a remarkable interchange between them, so that the variety within the church not only does no harm to its unity, but rather makes it manifest. For the Catholic Church wishes that the traditions of each individual Church or rite be kept whole and entire; it also wishes to adapt its way of life to the various needs of time and place.¹⁷

10. Church as Communion of Churches

New concept of ecclesiology as ecclesiology of communion in the Trinitarian model, Catholic church as communion of Churches, individuality, identity and heritage of eastern Churches, hierarchical structure of Churches *sui iuris*, unity in diversity and *church unum et plura*, assumed special emphasis in the deliberations and consultations and discussions of the Second Vatican Council:

By divine providence it has come about that various churches, founded in various places by the apostles and by their successors, have in the course of time become joined together into several groups, organically united, which, while maintaining, 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 patrimony. Among these there are some, especially the ancient patriarchal churches, like the matrices of the faith, which have given birth to others as daughters; and right down to our own times they are more closely bound

¹⁷Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, Vol. II, 900–901.

to these churches by the bond of charity in sacramental life and in mutual respect for rights and duties. These variety of local churches, in harmony among themselves, demonstrates with greater clarity the catholicity of the undivided church.¹⁸

11. Self-Governance and Particular Law

The Second Vatican Council, removing all shadow of doubt, solemnly declared in the decree on Ecumenism: "The churches of the east, while mindful of the necessary unity of the whole church, have the right to govern themselves according to the disciplines proper to themselves, since they are better suited to the character of their faithful, and more suitable for the good of their souls."¹⁹ In the same line of thought, the decree on Eastern Churches established the obligation of the Churches of the East for self-governance:

Hence it solemnly declares that the churches of both east and west enjoy the right, and are bound by duty, to govern themselves in accordance with their own particular rules, seeing that they are recommended by venerable antiquity, are more suited to the customs of their faithful and seem more suitable for assuring the good of souls.²⁰

12. Theology of Individual Churches

Accordingly, in the light of the new theologico-canonical perspectives the documents on Church, liturgy, Eastern Churches and Ecumenism were promulgated. Church as communion gained momentum during and after the Second Vatican Council:

Church as communion reflects the Trinitarian Communion in unity and diversity. As each person in the Trinity is full in divinity, each individual church is full in its ecclesiality. As the communion of the three persons in one reality, the Triune God, the communion of the Churches is also one reality, the universal Church. As each person is Trinitarian, each Individual Church is One, Holy, Catholic and Apostolic. According to the Trinitarian perichoretic principle, the Individual Church and the

¹⁸LG 23; cf. Norman Tanner, *Decrees of the Ecumenical Councils*, 868.

¹⁹UR 16; cf. Norman Tanner, *Decrees of the Ecumenical Councils*, 917.

²⁰OE 5; cf. Norman Tanner, *Decrees of the Ecumenical Councils*, 902. The origin and development of the different patriarchates as principal traditions from which the churches *sui iuris* sprang, the rights and duties, the dignity and jurisdiction of the patriarchs from a historico-juridical perspective, see Emile Eid, *La Figure Juridique du Patriarche*, 3rd edition, Roma 1963. There was a serious debate in the First Vatican Council about the rights and privileges of the Eastern Patriarchs in contrast to the title of the Bishop of Rome as Patriarch of the West. Cf. Adriano Garuti, *Il Papa Patriarca d'Occidente? Studio storico dottrinale*, Bologna: Edizioni Francescane, 1990, 139–176. The autonomy and dignity of Churches *sui iuris*, were well expressed in the new Code after the Second Vatican Council. See Ivan Zuzek, "The *Ecclesiae Sui Iuris* in the Revision of Canon Law," in Rene Latourelle, ed., *Vatican II Assessment and Perspectives Twenty Five Years After (1962–1987)*, Vol. II, New York/Mahwah: Paulist Press, 1989, 288–304.

Universal Church are inside one another. An individual Church is wholly the Church, but not the whole Church. It is fully the Church only in communion with the other Churches.²¹

The Second Vatican Council has aptly endorsed the possibility of pluralism in theological formulations. Such diversity in dogmatic formulations does not damage unity of faith.²² In the Instruction on the Ecclesial Vocation of the Theologian the theological pluralism is elucidated as being legitimate to the extent that the unity of faith in its objective meaning is not jeopardized.²³

This diversity of theological formulations of Churches *sui iuris* is illustrated in the Common Christological Declaration signed by Pope Saint John Paul II and the Catholicos-Patriarch Mar Dinkha IV of the Assyrian Church of the East in the mutual agreement about the expressions used for Blessed Virgin Mary as 'Mother of God' and 'Mother of Christ,' signed on 11 November 1994.²⁴ After due consultation and mature deliberation the theological formulation was accepted by both the Catholic Church and the Assyrian Church of the East as follows:

...the Assyrian Church of the East is praying to the Virgin Mary as 'the Mother of Christ our God and Saviour.' In the light of this same faith the Catholic tradition addresses the Virgin Mary as the 'Mother of God' and also as the 'Mother of Christ.' We both recognise the legitimacy and rightness of these expressions of the same faith and we both respect the preference of each Church in her liturgical life and piety.²⁵

The conciliar teachings were translated into canonical language by the promulgation of canonical legislations in the Church, namely, Code of Canon Law of the Latin Church (1983) and the Code of Canons of the Eastern Churches (1990). John Paul II in his Apostolic Constitution with which he promulgated the Code of Canons of the Eastern Churches underlined the need for having two codes in the Church:

From the very beginnings of the codification of the canons of the Eastern Churches, the constant will of the Roman Pontiffs has been to promulgate

²¹Mathew Vellanickal, "Theology of Individual Churches," in Andrews Mekkattukunnel, ed., *Mar Thoma Margam: The Ecclesial Heritage of the St Thomas Christians*, 45.

²²UR 4, 14, 17,

²³Congregation for the Doctrine of Faith, *Donum Veritatis*; see *L'Osservatore Romano* No. 34 (2 July 1990) 3.

²⁴AAS 87 (1995) 685-687.

²⁵Pope John Paul II and Catholicos-Patriarch Dinkha IV, "Common Christological Declaration." Cf. Mar Aprem, *The Assyrian Church of the East in the Twentieth Century*, Kottayam: St. Ephrem Ecumenical Research Institute-SEERI, 2003, 236-239; see 237.

two Codes: one for the Latin Church, the other for the Eastern Churches. This demonstrates very clearly that they wanted to preserve that which in God's providence had taken place in the Church: that the Church, gathered by the one Spirit breathes, as it were, with the two lungs of East and West, and burns with the love of Christ, having one heart, as it were, with two ventricles.²⁶

The possibility of a third lung is also discussed, namely, Syriac Orient, apart from a Latin West and Greek East.²⁷

13. Legislation of Churches *Sui Iuris*

On the occasion of the promulgation of the CCEO John Paul II invited the legislators of each Church *sui iuris* to arrange to have at the earliest a particular Law in conformity with the customs, historical circumstances, culture and religious traditions: "Furthermore, in this area full attention should be given to all those things that this Code entrusts to the particular law of individual churches *sui iuris*, which are not considered necessary to the common good of all of the Eastern Churches. Our intention regarding these things is that those who enjoy legislative power in each of the Churches should take counsel as soon as possible for particular norms, keeping in mind the traditions of their own rite and the precepts of the Second Vatican Council."²⁸ The mind of the legislator was clear even after the Second Vatican Council. It is explained in the Apostolic Exhortation of John Paul II, *Ecclesia in Asia*: "The situation of the Catholic eastern Churches, principally of the Middle East and India, merits special attention. From Apostolic times they have been the custodians of a precious spiritual, liturgical and theological heritage. Their traditions and rites, born of a deep inculturation of the faith in the soil of many Asian countries, deserved the greatest respect. With the Synod Fathers, I call upon everyone to recognise the legitimate customs and the legitimate freedom of these Churches in disciplinary and liturgical matters, as stipulated by the Code of Canons of the Eastern Churches."²⁹ In line with the teachings and desire of the Holy Father the Syro-Malabar Church formulated the Code of Particular Law and promulgated on 2003 and the Syro-Malankara Church prepared a Code of Particular Canons and promulgated in 2012.³⁰

²⁶Apostolic Constitution, *Sacri Canones*, 18 October 1990, AAS 82 (1990) 1037.

²⁷Sebastian P. Brock, "The Syriac Orient: A Third Lung for the Church?" *Orientalia Christiana Periodica*, 71 (2005) 5.

²⁸AAS 82 (1990) 1037 – 1038.

²⁹John Paul II, *Ecclesia in Asia*, 06 November 1999, Apostolic Exhortation, (Vatican City: Libreria Editrice Vaticana, 1999) 83.

³⁰Mar Varkey Cardinal Vithayathil, Code of Particular Law of the Syro-Malabar Church, 2003, *Synodal News*, Vol. 11, 2003; Basilio Cardinal Mar Cleemis, Code of

14. New Trends and Variety of Churches

It is also commendable that in India, in the changed juridical circumstances, the hierarchical structure of the Eastern Churches were raised to a lawful status as prescribed in the Code of Canons of the Eastern Churches, that is, Major Archiepiscopal Status to the Syro-Malabar Church (1992)³¹ and the Syro-Malankara Church (2005).³² Moreover, the reestablishment of self-governance, recognition of the right to evangelization and pastoral care. The letter of Pope Francis to the Bishops of India in 2017 to this effect is historical. In that document the Supreme Pontiff has used the key word *varietas ecclesiarum* as the best expression of the catholicity of the 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, (LG 13).³³ With the erection of the eparchy of Hosur and the eparchy of Shamshabad in the year 2017, the Syro-Malabar jurisdiction embraces whole of India, entrusted to the Major Archbishop and the Synod of Bishops of the Syro-Malabar Church according to the norms of CCEO.³⁴

Conclusion

The First Vatican Council can be characterised as an ecumenical Council which responded positively to a crisis. It was a crisis that prevailed all throughout the three hundred years after the Council of Trent. Due to the pressure of circumstances all power over persons and things were concentrated in the Pope in view of the protection and promotion of spiritual values. The definitions of Roman primacy

Particular Canons of the Syro-Malankara Church, Major Archiepiscopal Curia, Trivandrum, 2012.

³¹John Paul II, Apostolic Constitution, *Quae Maiori*, 16 December 1992, *Synodal News*, 1 (August 1993) 12.

³²John Paul II, Apostolic Bull, *Ab ipso Sancto Thoma*, 10 February 2005, *Malankara: Synodal Acts and Voice of the Syro-Malankara Catholic Church*, 1 (2005) 12.

³³Letter of Pope Francis to the Bishops of India, *Synodal News*, 25 (December, 2017) 181-186; see 182.

³⁴Congregation for the oriental Churches, *Oriente Cattolico*, V edition, vol. I, Roma, 2017, 370. Cf. also, Gregory Karotemprel, *The Story of all India Jurisdiction*, Rajkot: Deepti Publications, 2018; James Puliurumpil, *Jurisdiction of the Syro-Malabar Church: A Historical Perspective*, Kottayam: OIRSI Publications, 2018; Andrews Mekkattukunnel, ed., *Mar Thoma Margam: The Ecclesial Heritage of the St Thomas Christians*, Kottayam: OIRSI, 2012; Francis Eluvathingal, ed., *Syro-Malabar Church since the Eastern Code*, Festschrift in honour of Prof. George Nedungatt, Trichur: Mary Matha Publications, Trichur, 2003.

and the doctrine of infallibility reinforced this trend. We can consider this council as a transitional phenomenon, like the morning star before the actual rise of the Sun—the Second Vatican Council. The affirmations and condemnations, the inimical conflicts and the hostile attitude towards Christian Churches and ecclesial communities were changed over to an atmosphere of better understanding of the principles of unity, solidarity, subsidiarity and communion.

The Trinitarian model of ecclesiology developed in the Second Vatican Council helped to conceive Church as mystery of communion of Churches—*unum et plura*—leading to a process of collegiality, synodality, ecumenism, evangelization and pastoral care. This new attitude generated a respect for the identity, autonomy, patrimony and legitimate traditions of the individual Churches. The concept of *varietas* signifying diversity began to be considered as the hallmark of all that is true and good. In short, the First Vatican Council opened the discussion for a just autonomy and self-governance of the Eastern Churches according to their own discipline and thus their legitimate right was recognised during the Second Vatican Council: “Steps should therefore be taken for the preservation and enlargement of all the individual Churches throughout the world, and so parishes and their own hierarchy should be set up wherever the spiritual good of the faithful requires it” (OE 4).