

SYNODAL STRUCTURE OF ECCLESIAL GOVERNANCE IN EASTERN CANONICAL LEGISLATION

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Abstract

The synodal structure of ecclesial governance refers to a collaborative and participatory approach to decision-making in the Eastern Churches. This method emphasises shared responsibility, consultation, dialogue, and discernment to reach decisions. Communion and collegiality are values reflected in this form of governance. The present study examines the synodal form of ecclesial governance in the Patriarchal and Major Archiepiscopal *sui iuris* Churches as outlined in the Code of Canons of the Eastern Churches. The Patriarch/Major Archbishop, together with the Synod of Bishops, exercises the power of governance - legislative, executive, and judicial power - as per norms through the Synod of Bishops and the Permanent Synod.

Key Words: Synodal Structure, Ecclesial Governance, Eastern Churches, Legislative Power, Executive Power, Judicial Power.

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Introduction

The Catholic Church is a communion of different Churches with different structures and traditions. The canonical legislation of the Churches of the East and West envisions different hierarchical structures of the Church. The Latin Church follows a bipartite system of governance, consisting of the universal Church and particular churches. On the other hand, the Eastern Churches have tripartite system of governance. The intermediary system of synodal governance and the mode of exercising sacred power are unique to the Eastern Churches. This synodal form of governance dates back to the ancient sacred canons of the first millennium. The present study aims to interpret the canonical norms concerning the eastern synodal structure of ecclesial governance.

1. Hierarchical Structure of the Eastern Churches

Canon 34 of the Apostolic Canons¹ is considered to be the basis for the Synodical form of ecclesiastical governance. This canon illuminates an ancient custom and offers insight into the nature and organisation of the Church in the first millennium. It also emphasises the importance of mutual understanding and harmony for the proper functioning of the synod.

The Church *sui iuris* is endowed with the heritage characterised as the rite. It is defined as the patrimony whose essential components are liturgy, theology, spirituality and discipline distinguished by the culture and historical circumstances of a Church *sui iuris*. It indicates a hierarchically organised community of the faithful to which their heritage belongs. The nature and constitution of an Eastern Church may be described as follows: "An Eastern Catholic Church is a part of the Universal Church which lives the faith (liturgy, spiritual heritage, discipline) in a manner corresponding to one of the five great Eastern traditions (Alexandrian, Antiochene, Constantinopolitan, Chaldean, or Armenian) and which contains or is at least capable of containing as its lesser components various diocesan communities hierarchically gathered under the leadership of a common head (patriarch, major archbishop, metropolitan) who is legitimately elected and in

¹ Apostolic Canons (Canons of the Apostles) is a collection of canons compiled by the middle of fourth century. They are consonant with the doctrine and tradition of the Apostles. These ancient canons attributed to apostles were enacted by Synods in second and third centuries. Apostolic canons represent the very early canon law of the Church. They are disciplinary laws given to the early Church by the apostles. They are similar to Apostles' Creed, Proverbs of Solomon or Psalms of David.

communion with Rome, and who, with his own synod, (Council of hierarchs in the case of Metropolitan Churches) is the highest forum for all the administrative, legislative and juridical affairs of these communities, within the framework of the law common to all the Churches, which is laid down in the Canons approved by Ecumenical Councils or the Roman Pontiff, while always retaining the right of the latter to intervene in individual cases.”²

2. Synodal Form of Ecclesial Governance

The Second Vatican Council pointed out that figures exercising supra-metropolitan and supra-episcopal authority evolved by virtue of divine providence: (LG 23).³ The Patriarchal institution and synodal institution are interdependent, and the Patriarch and the Synod of Bishops exercise their functions as per norms of law. These Eastern churches are erected by hierarchy with juridical institutions having a power granted to them by the Supreme Authority of the Church, as per norms of law, and as a kind of participation in the same Supreme Authority of the Church.⁴

But it is also accepted that they have a common disciplinary patrimony contained in the Sacred Canons of the first millennium. The juridical expression of collegiality and co-responsibility is found in the patriarchal or Major Archiepiscopal synod: “When a grave problem confronts the Churches, the Eastern reaction is to call a Synod, not just because this is the only authority competent to provide a solution but

² Ivan Žužek, “The Ecclesiae Sui Iuris in the Revision of Canon Law,” *Vatican II Assessment and Perspectives Twenty-five Years After (1962 – 1987)*, ed., by Rene Latourelle, Vol. II, New York/Mahwah: Paulist Press 1989, 296 – 297; Ivan Žužek, “Che cosa è una Chiesa, un Rito orientale?” *Seminarium*, new series 15 (April-June 1975) 276.

³ A patriarch is known as the head of the family or tribe or the principal person in ancestry or lineage. In Septuagint it is used in reference to a head of a family (I Chron. 19: 12) or tribe (I Chron. 2: 22); In New Testament it refers to Abraham (Heb. 7:4); Twelve sons of Jacob (Acts 7: 8-9); King David (Acts 2:29). The evolution of the patriarchal institution in the first millennium, see Emile Eid, *La Figure Juridique du Patriarche*, Rome: Piazza S. Giovanni in Laterano, III edition, 1963; Michael K. Magee, *The Patriarchal Institution in the Church: Ecclesiological Perspectives in Light of the Second Vatican Council* Rome: Herder Editrice, 2006, 99-164; P. Duprey, “The Synodical Structure of the Church in Eastern Theology,” *One in Christ* 7/2-3 (1971) 152 – 179; J. Hajjar, “The Synod in Eastern Church,” *Concilium*, 8 (1965) 30 – 34.

⁴ Ivan Žužek, “Incidenza del *Codex Canonum Ecclesiarum Orientalium* nella storia moderna della Chiesa universale,” *Ius in Vita et in Missione Ecclesiae*, PCLTI, Acts of the International Symposium of Canon Law on the tenth Anniversary of the Promulgation of CIC, 19-24 April 1993, Vatican: Libreria Editrice Vaticana, 1994, 734 – 735.

also because of the conviction that it is only by meeting in Synod and listening to what the Spirit is saying to the Church that it will be able to find a solution."⁵ The Synod embodies the harmony which would exist among Bishops in order that God may be glorified and people praise God with one mind (*homothymadon*).⁶

Fidelity to tradition is the life-giving force and the guiding principle of the Eastern Churches. The Second Vatican Council affirmed their rights and privileges that existed at the time of union between the East and West: "Following the most ancient tradition of the Church, special honour is to be given to the patriarchs of the Eastern Churches, since each is set over his patriarchate as 'father and head'. Therefore, 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" (OE 9).⁷ The Patriarch enjoyed autonomy in regulating the liturgy, in missionary efforts and matters of administration. John Paul II pointed out in *Sacri Canones*, the apostolic constitution by which the CCEO was promulgated on 18 October 1990, the nature of the authority of a Patriarch with the Synod of Bishops as participation: "This is also evident in the various forms of the hierarchical constitution of the Eastern Churches: the patriarchal churches are preeminent among these, in which the patriarchs and synods are sharers in the supreme authority of the Church by canon law."⁸ The patriarch does not possess a self-standing intermediate power.⁹

The Major Archbishop is an archbishop whose canonical status is almost equal to that of patriarch from other archbishops, (OE 10;

⁵ Pierre Duprey, "The Synodical Structure of the Church in Eastern Theology", *One in Christ*, 7 (1971) 152 – 179, at 162 – 163. English translation by John Bogler of the original article in French, "La structure synodale de l'Eglise dans la theologie orientale", *Proche Orient Chretien* 20 (1970) 123 – 145; Marco Brogi, "Sinodi Patriarcali di rito orientale", *Antonianum* 51 (1976) 250 – 265; Dimitri Salachas, "Il principio della struttura sinodale delle chiese orientali nella legislazione canonica antica", *Nicolaus* 6 (1978) 221 – 249; Joseph Hajjar, "Patriarchal Synods in the New Eastern Code of Canon Law", *Concilium* 26 (1990) 88 – 97; Emile Eid, "La sinodalite dans la tradition orientale", *Ephemerides Iuris Canonici*, 48 (1992) 9 – 27; Paul Pallath, *The Synod of Bishops of Catholic Oriental Churches*, Roma: Mar Thoma Yogam, 1994.

⁶ Duprey, "The Synodical Structure of the Church," 171.

⁷ Vatican II, *Orientalium Ecclesiarum*, in AAS 57 (1965) 79.

⁸ John Paul II, *Sacri Canones*, AAS 82 (1990) 1033 – 1364, at 1037.

⁹ Ivan Žužek, "The Authority and Jurisdiction in Oriental Catholic Tradition," *Understanding the Eastern Code*, Žužek, ed., *Kanonika* 8, (Roma: PIO 1997) 459 – 479, at 475.

CCEO cc. 151 –154). The Second Vatican Council established the effective equivalence between patriarch and major archbishop: “What has been said about patriarchs holds true also, in accordance with the norm of law, of major archbishops who are in charge of a whole particular church or rite” (OE 10).¹⁰ In other words, a Church headed by a Major Archbishop has the same structure and the same autonomy as that of a patriarchal church (c. 152), except the fact that the election of major archbishop needs confirmation by the Supreme Pontiff (c. 153): “A Major Archiepiscopal Church is similar in hierarchical constitution and governance to a patriarchal Church and enjoys almost the same degree of self-governing authority. Like the patriarchal Church, a Major Archiepiscopal Church includes a Synod of Bishops in its governance structure.”¹¹

The Major Archiepiscopal Church *sui iuris* does not enjoy the fullness of ecclesial self-determination.¹² On the other hand, the election of patriarch needs only to be notified which is customarily done also to other patriarchs (c. 76).

3. Ancient Customs and Eastern Legislation

The Pontifical Commission for the Revision of the Oriental Code was, however, particular to perpetuate certain immemorial ancient customs, especially regarding lay participation in ecclesiastical administration and apostolate: “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.”¹³ Thus, canon 295 on parish councils was introduced into the CCEO as mandatory according to the particular law of the Churches *sui iuris*. John Paul II exhorted the legislative authorities of the Eastern Churches to enact proper laws of their

¹⁰ Previous legislation *Crebrae allatae* cc. 327, 329, 337 and *Sollicitudinem Nostram* c. 21 listed the rights and obligations of the Major Archbishop. But CCEO canonized the language, approach and perspectives of *Orientalium Ecclesiarum*, no. 10.

¹¹ John D. Faris, “Major Archiepiscopal Churches (cc. 151 – 154),” *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Second Revised edition, ed., George Ruyssen, (Kanonika 10/2020, Rome: Edizioni Orientalia Christiana / Valore Italiano) 231.

¹² Sebastian Vaniyapurackal, “The Concept of Church *sui iuris* in CCEO,” *Iustitia* 9/2 (2018) 163 – 176, at 170.

¹³ *Nuntia*, 3 (1976) 23. The immemorial custom of lay participation in Malabar was explicitly mentioned in the initial draft of the Guidelines for the Revision of the Code of Oriental Canon Law: “Inoltre le consuetudini, qualche volta memorabili (p. e. Malabar), sulla partecipazione dei laici nella Chiesa vanno preservate e incoraggiate,” in *Nuntia*, 26 (1988) 110.

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 by issuing particular norms, keeping in mind the traditions of their own rite as well as the teachings of the Second Vatican Council."¹⁴

4. The Synodal Functioning in Eastern Churches

The Synod of Bishops of the patriarchal Church comprises all ordained bishops of the same Church *sui iuris*, whether they are within or outside the proper territory. However, those who are canonically elected but not ordained are not members of the Synod. The election and enthronement of the patriarch fall under the competence of the Synod of Bishops of the patriarchal Church, whereas the election of a Major Archbishop should be confirmed by the Roman Pontiff before the one elected, is enthroned (c. 153 §2, 3).

The diocesan synod, in the Latin Church (CIC cc. 460 – 468), cannot be characterised as a synod since it comprises persons who are not bishops and only has a consultative vote; it does not enjoy deliberative authority. The Synod of Bishops of the Universal Church (CIC cc. 342 – 348) is an assembly comprising Latin and Eastern bishops and offer cooperative assistance to the Roman Pontiff (CIC c. 46 §1). It exercises only a consultative role and in a restrictive form. On the other hand, an ecumenical council is an assembly of the college of bishops in union with its head, the Roman Pontiff, exercising authority over the entire Church (CIC c. 388; CCEO c. 49) in a manner consistent with the synodal governance of the Eastern Churches.¹⁵

The Pontifical Commission for the Revision of Oriental Canon Law considered a proposal that only in exceptional cases could the titular bishops be admitted to the synod. The proposal was strongly rejected. The reason is that the presence of all bishops is necessary not only because the synod manifests the unity of the patriarchal Church but also because the bishops receive the three offices in episcopal consecration, as per the teachings of the Second Vatican Council. The presence of all consecrated bishops in the synod is an eloquent

¹⁴ John Paul II, *Sacri Canones*, Apostolic Constitution, 18 October 1990, AAS 83 (1990) 1038.

¹⁵ Pope Francis, Apostolic Constitution, *Episcopalis Communio*, on the Synod of Bishops, 15 September 2018, *Eastern Legal Thought*, 15 (2019) 255-278; John D. Faris, "Patriarchal Churches," *Practical Commentary*, I, 293 – 294; Pablo Gefaell, "The Ecumenical Council and the Synod of Bishops [of the Whole Catholic Church]," *Eastern Legal Thought*, 15 (2019) 65 – 89.

expression of all episcopal charisms within the same Church. According to the tradition of the Eastern Churches, there exists an inseparable unity between the institutions of Patriarch (Major Archbishop) and the Synod of Bishops. The primatial and collegial dimensions are intertwined in them.

5. Legislative Power of the Synod of Bishops

The Synod of Bishops is the supreme legislative authority in a Patriarchal/Major Archiepiscopal Church *sui iuris* (c. 110). With due regard for common law, the Synod of Bishops can enact laws proper to the same Church *sui iuris*. The Synod is competent to regulate, through particular law, matters common to the same Church *sui iuris* and not reserved to the apostolic see.

The interpretation of laws involves a process aimed at the correct understanding of the meaning of law. The authoritative or official interpretation is given by someone who exercises the power of governance. The Major Archbishop is responsible for the promulgation of laws and the publication of the Synod's decisions. However, the authentic interpretation of laws is given by the Synod of Bishops. He holds competence until the next Synod, after consulting the Permanent Synod, to provide the authentic interpretation of the laws of the Synod of Bishops of the Major Archiepiscopal Church (c. 112 §1; SSB art. 22). Laws, whether liturgical or disciplinary, approved by the Apostolic See, have the force of law everywhere in the world (c. 150 §§2, 3). Additionally, laws enacted and promulgated by the Major Archbishop shall not be contrary to the common law (c. 1493 §1). The Synod and Major Archbishop are obliged to transmit all synodal acts concerning laws and decisions to the Roman Pontiff at the earliest. It is also at the discretion of the Synod to decide whether to send certain acts, or all of them, to the Patriarchs and Major Archbishops of other Eastern Churches as a sign of communion and to facilitate cooperation among Eastern Catholic and non-Catholic Churches (c. 111) §3).¹⁶

6. Executive Power of the Major Archbishop

The executive power of governance pertains to the ordinary administration or the implementation of law. Usually, this authority is vested in the Major Archbishop (c. 110 §4). The Synod of Bishops is not authorised for administrative actions unless the Major Archbishop

¹⁶ John D. Faris, "The Patriarchal Churches," *A Guide to the Eastern Code*, 203; John D. Faris, "The Patriarchal Churches," *A Practical Commentary*, I, 318.

determines otherwise for certain actions or common law reserves some actions to the Synod by the law, with proper regard for the canons requiring the consent of the Synod. Whereas, an eparchial bishop has the freedom to exercise his power either personally or through the proto-syncellus or syncellus, the Major Archbishop exercises it only in person as *pater et caput* of the Church *sui iuris*, which is ordinary and proper; he cannot appoint a vicar for the entire Major Archiepiscopal Church or delegate his power for all cases. Just as the eparchial bishop is assisted by the eparchial curia in the governance of the faithful of the eparchy, the Major Archbishop is assisted by the Major Archiepiscopal curia, which is distinct from the curia of the eparchy of the Major Archbishop (c. 114). The Permanent Synod, bishops of the curia, the ordinary tribunal of the Major Archiepiscopal Church, the finance officer, the chancellor, the liturgical commission, and other commissions which by law are attached to the curia are also involved. The Major Archbishop is competent to undertake certain administrative acts without the consent or counsel of either the Synod of Bishops or the Permanent Synod.

1. He can issue decrees and precepts, which are not laws but supplements to the law designed to determine the methods to be observed in applying the law or that urge the observance of the law. Precept imposes an injunction. Through a precept, the Major Archbishop, in his capacity as an administrator with executive power, orders someone to do something or to refrain from doing something. It is generally intended to observe the law or to refrain from behaviour that violates it. Such a precept provides for the needs of the community by maintaining peace and tranquillity of order through a command or obligation imposed on a particular person or group;

2. He is to instruct the Christian faithful to explain sound doctrine, foster piety, correct abuses, and approve and recommend practices that foster the spiritual welfare of the faithful;

3. He can issue encyclical letters to the entire Church over which he presides concerning questions related to his own Church and rite, that is, the liturgical, theological, spiritual, and disciplinary patrimony of the church;

4. He can order bishops and other clerics as well as members of the institutes of consecrated life of the entire Church to read and display,¹⁷ send decrees, instructions and encyclical letters issued by him publicly in their churches and houses (c. 82 §§1, 2).

7. Executive Power through Synod of Bishops

Certain administrative acts can be entrusted to the Synod of Bishops. This can happen either when the Major Archbishop authorises the Synod to perform certain administrative acts (c. 110 §4) or when the common law reserves an act to it. Such instances are: transfer of Major Archiepiscopal see for a most serious reason with the assent of the Roman Pontiff (57 §3); the Major Archbishop, with the consent of the Synod of Bishops, is competent to erect provinces and eparchies, modify boundaries, unite, divide, suppress, and transfer the see after consultation with the Apostolic See (c. 85 §1); appointing an auxiliary bishop or coadjutor bishop and transferring a bishop from one eparchy to another (c. 85 §2.2); agreement with civil authorities with the prior assent of the Apostolic See (c. 98); transferring, postponing, suspending, and dissolving the synod (c. 108); the Major Archbishop is to hear the Synod of Bishops as part of the process of preparing the agenda (c. 108 §2); removing the finance officer during the term of office (c. 122 §2); and the Synod of Bishops can ask from the finance officer an administration report and an annual budget of income and expenditure and subject them to its examination (c. 122 §4).

Though any Christian faithful has the right to propose topics, the Major Archbishop or Synod of Bishops safeguards the right to determine the subjects to be treated in the Major Archiepiscopal assembly (c. 144 §1); the issue of territorial boundaries is addressed within the context of the resolution of the doubt following the procedure as per canonical norms (c. 146 §2); the Synod of Bishops is to see that suitable and dignified support is provided for the retired bishop, although the primary responsibility rests with the eparchy he served (211 §2); removal of an exarch (c. 314 §2); the use of a common seminary for several eparchies (c. 334 §2); promoting and defending the integrity and unity of the Catholic faith and morals when bishops act collectively in synods (605); vigilance and possible prohibition of harmful publications to protect the integrity of faith and morals (652

¹⁷ Pio Vito Pinto, ed., *Commento al Codice delle Chiese Orientali*, Corpus Iuris Canonici, II, Studium Romanae Rotae, Vatican: Libreria Editrice Vaticana, 2001, 93 – 94.

§2); approval of liturgical texts after prior review by the Apostolic See (c. 657 §1); the process of censorship (664 §1); regulation of divine public worship (c. 668 §2); reserving the faculty of absolving from sins to a determined authority (c. 727); receiving a bishop from an Eastern non-Catholic Church (c. 898 §1); the suppression of a juridic person (c. 928, 1); alienation of temporal goods as per norms of law (c. 1036); removal of ministers of the ordinary tribunal (1063 §2); threatening certain penalties by precept (c. 1406 §1); erection of an inter-eparchial tribunal (1067 §2).

8. Executive Power through Permanent Synod

The Permanent Synod comprises the Major Archbishop and four bishops designated for a five-year term (c. 115 §1; SPS art. 1). It serves as a representative body of the Synod of Bishops of the Major Archiepiscopal Church. In accordance with the spirit of the canonical norms, the Major Archbishop must consult with or obtain consent of some bishops before issuing an administrative act.

In this regard, the permanent synod functions as an executive committee or direct collaborators and advisers for the Major Archbishop.¹⁸ "As a representative body of the entire episcopate of the patriarchal Church, and as such acting on its behalf, the immediate purpose of the permanent synod is to assist the Patriarch in the governance of the Patriarchal Church. It constitutes a unique form of ministry, which should not be reduced into a mere bureaucratic activity, but which should rather be carried out for the good of the souls in a spirit of service and *communio*."¹⁹ The Permanent Synod is not a substitute for the Synod of Bishops because it does not endow with legislative and judicial powers reserved for the Synod of Bishops. For example, the ministers or officials of the Major Archiepiscopal ordinary tribunal are appointed by the Major Archbishop with the consent of the Permanent Synod. However, it is the competence of the

¹⁸ Pio Vito Pinto, ed., *Commento al Codice dei Canonici delle Chiese Orientali*, 119.

¹⁹ Georges-Henry Ruysen, "Byzantine Synodos endemousa and the Permanent Synod in the Codified Eastern Law", *Eastern Legal Thought* 15 (2019) 9 – 64, at 55. "The modern Catholic institution of the permanent synod finds its origins in the *endemousa synodos*, a standing body of bishops residing in or visiting the imperial city of Constantinople. Presided over by the patriarch, it legislated on dogmatic, liturgical and disciplinary matters as well as exercising administrative and judicial functions." Cf. *Dictionary of Byzantium*, 1:697, s. v. "Endemousa Syodos." In John D. Faris, "The Patriarchal Churches", *A Practical Commentary to the Code of Canons of the Eastern Churches*, ed., John D. Faris & Jobe Abbass, Montreal, 2019), Vol. I, 324, foot note n. 202.

Synod of Bishops to remove them against their will (c. 1063 §2). As an independent body from the Synod of Bishops, the Permanent Synod has its own legal competence established by law (c. 119). The Permanent Synod is convened at determined times, at least twice a year, and whenever the Major Archbishop considers it opportune. Moreover, he can convene it when matters are to be decided for which common law, require the consent or counsel of the same synod (c. 934) for the validity of the juridic act.

The Major Archbishop requires consent of the Permanent Synod to place the following juridic acts: an extraordinary Visitation of a church, city, or eparchy either personally or through another bishop, with the right to perform all things which an eparchial bishop can do during a canonical visitation (83 §2); appointing an exarch to an eparchy within the proper territory (cc. 85; 314 §1) erecting, modifying, and suppressing exarchies (85 §3); reserving matters involving several eparchies and civil authorities to himself (c. 100) conceding the status of *stauropegial* monasteries to a monastery *sui iuris* (c. 101); inviting hierarchs who are not bishops and experts to the Synod of Bishops (c. 102 §3); convoking an extraordinary synod whenever he judges it necessary (c. 106, 2).

9. Judicial Power of Synod of Bishops

The Synod of Bishops constitutes the superior judicial instance within the territorial boundaries of the Major Archiepiscopal Church. From the Synod of Bishops, a tribunal is constituted comprising three bishops elected for a five-year term by the Synod of Bishops. In accordance with the norms of CCEO cc. 1062 and 1063, the judicial power of governance in the Syro-Malabar Church is exercised through the Superior Tribunal and Major Archiepiscopal Tribunal. The Superior Tribunal started functioning with the first meeting of the Synod of Bishops held from 20-25 May 1993, and the Ordinary Tribunal was constituted on 1 September 1, beginning its functions on 24 November 1994.

10. Patriarchal/Major Archiepiscopal Superior Tribunal

Respecting the competence of the Apostolic See, the Synod of Bishops of the Syro-Malabar Church constitutes the highest tribunal within its territorial boundaries. (CCEO c. 110 §2, 1062 §1; SSB art. 9.1 §1). Every five years, the Synod of Bishops elects from among its members a general moderator for the administration of justice and two bishops. These three, together, constitute the synodal tribunal. This tribunal judges contentious cases of eparchies, bishops, and even

titular ones (c. 1062 §3; SSB art. 9.1 §3). It is also canonically stipulated that: 1. if one of the three bishops is a party in the case; 2. if he is unable to be present; or 3. if an objection is raised against him, the Major Archbishop substitutes another bishop with the consent of the Permanent Synod (c. 1062 §2; SSB art. 9.1 §2). In case of any appeal against the decision of the tribunal, it is made to the Synod of Bishops without any further appeal, with due regard for right to recourse (deferral) to the Roman Pontiff (c. 1062 §4; SSB art. 9.1 §4).

The general moderator of the administration of justice has right of vigilance over all tribunals within the territorial boundaries of the Church *sui iuris*. It also has the right of deciding when objections are raised against a judge of the Major Archiepiscopal tribunal (c. 1062 §5; 1062). The annual report of the activities of the Ordinary tribunal shall be submitted to the Synod of Bishops (c. 1063). The Synod of Bishops, if needed, with due regard for c. 1067 §1, is competent to erect a tribunal of first instance for several eparchies within the territorial boundaries of a Church *sui iuris*.

11. Patriarchal/Major Archiepiscopal Ordinary Tribunal

The Ordinary tribunal is a judicial organ of the Major Archiepiscopal curia, and it is distinct from the curia of the eparchy entrusted to the Major Archbishop as eparchial bishop (c. 114 §1; SN 85 §1). The judicial independence is thus safeguarded at all levels, and to avoid suspicion of prejudice at every stage of trial. This Ordinary tribunal is competent to treat cases in the second, third and further instances. It is competent also to adjudicate cases in the first instance according to the norm of law. It is subject to the vigilance of the supreme tribunal of the *Signatura apostolica* and the immediate vigilance of the general moderator of the administration of justice as per norms of c. 1062 and statutes of the Major Archiepiscopal Tribunal. It is the competence of the Ordinary tribunal to adjudicate the following disputes or controversies in first and succeeding instances:

1. Exarchs and delegates who are not bishops;
2. Physical persons below episcopal rank are subject to the Major archbishop;
3. Juridic persons are immediately subject to the Major Archbishop;
4. Institutes of consecrated life of pontifical right, not excluding the exempt institutes, with due regard for c. 1069;

5. superiors of institutes of consecrated life of pontifical right, who do not have a superior of the same statute with judicial power;

6. The supreme moderators and other major superiors of institutes of consecrated life of major archiepiscopal right;

7. Persons, whether physical or juridic, of the same institute of consecrated life, except secular institutes, in which, though the superiors possess the power of governance, no judge or tribunal has been determined in the typicon or the statutes of the institute (c. 1069 §1);

8. Persons, whether physical or juridic, which in special cases, the Major Archbishop may lawfully commit to the tribunal, especially as a help to eparchial bishops.

Critical Reflections

Synod, Synodality and synchronisation shall be distinguished. Synchronisation is an operation or activity of two or more things at the same time or rate. The main purpose of synchronisation is the sharing of resources without interference, and using mutual exclusion. Synchronisation is simultaneity or concurrence/coordination or co-concurrence. On the other hand, synodality is journeying together as the people of God; it indicates a way of listening to each individual person as a member of the Church to understand how God might be speaking to all of us. Synod means to travel along the same way, to go along the same path together.

Synodality intends that the whole Church and everyone in the Church are subjects. All are companions in the journey. The East and the West shall learn from each other. The Holy Spirit speaks more than one language; mystical/pneumatological perspective is more Eastern.

Synodality implies participation and engagement of the entire People of God in the life and mission of Christ. The broad category of laity deserves a prominent role within the Church. Collegiality specifically refers to the form it takes, through the exercise of the ministry of bishops *together with and under Petro*. Reconciling these two realities, synodality and collegiality, is essential to achieve the intended goal.

Every one of the bishops with *tria munera* representing a portion of the People of God shall imbibe the pulse, spirit, and aspirations of the people of God before engaging in a decision-making process: *Sensus*

fidei refers to a communitarian and ecclesial reality, the instinct of faith of the Church herself.

To achieve this end, proper discernment is required. To discern means to separate, set apart, divide, distribute, distinguish, perceive. It means a discriminating choice between two or more good options, seeking the best for the moment, in the light of the Word of God and the teachings of the Church, listening to everyone and being inspired by the Holy Spirit. The Legislator has prescribed that those who are in authority, before issuing administrative acts, should be very cautious: "The person who issues the decree is to keep in mind and aim at what seems to lead best to the salvation of souls and the public good, observing the laws and legitimate customs, justice and equity", (Code of Canons of the Eastern Code c. 1519).

Conclusion

In these new circumstances, the mystery of Church as *unum et plura* remains to be explored in depth. To achieve this, we must understand and value the core principles of unity, diversity, communion, cooperation, and collaboration in pursuit of a shared goal. Engaging in communion and active participation in all aspects that constitute the reality of being and belonging to the Church presents significant challenges. The bonds of love and harmony must be strengthened through listening to one another and discerning the Holy Spirit.

Therefore, the Trinitarian model of communion ecclesiology and pneumatological experience of the saving mystery should be the aim in the ecclesial and pastoral governance of the Church. Fidelity to the legitimate ancient traditions and apostolic heritage, and adherence to the conciliar and post-conciliar teachings of the Magisterium, adapted to modern living conditions, shall be a prerogative of the entire sheepfold and those who exercise the power of governance.