

## THE HISTORICAL EVOLUTION OF THE SYRO-MALABAR CHURCH AS A MAJOR ARCHIEPISCOPAL CHURCH

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As the Syro-Malabar Archiepiscopal Church is marching forward, following the footsteps of St. Thomas the apostle, she cannot forget the two millennia long history of search for identity and struggle for autonomy as a Church *sui iuris* of Catholic communion and Oriental tradition. The autonomous indigenous Church established by Apostle Thomas had an organic growth by sharing the cultural heritage of India, the liturgical patrimony of the East, without losing its own identity. This article is an attempt to sketch the evolution of the St. Thomas Christians of India to a Major Archiepiscopal Church.

### Introduction

In 2006, a statement of Pope Benedict XVI quickly created controversy. On September 27, during his Wednesday catechesis at the Vatican, the pope remarked that the Apostle Thomas had evangelized north western India - present day Afghanistan and Pakistan - and that Christianity had spread from there to South India. This account implied that the apostle did not evangelize South India personally. As a result, it created media uproar in India. Two months later, on its

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official website, the Vatican affirmed that Thomas himself had evangelized South India.<sup>1</sup>

### 1. Is the Syro-Malabar Church of Apostolic Origin?

The indigenous St. Thomas Christians of India affirm the apostolic origins of their Church. Living tradition of the community is the major source and proof than documentary evidence that are available today regarding the historicity of the indigenous Christian community till the middle age.<sup>2</sup> The ecclesial community established as an autonomous indigenous Church by the Apostle Thomas, had organic growth by receiving and sharing the patrimony and liturgy from the Eastern Churches without losing the identity of its own.<sup>3</sup>

It is believed that Thomas, one of the twelve apostles, preached the Gospel in the Far East and reached South India in AD 52.<sup>4</sup> He landed on Malabar near the ancient port of Muzaris, near the present Kodungaloor in Kerala. From there, Thomas preached the Gospel and founded seven Christian communities that came to be known as *Nazaranees (Marthoma Christians)*.<sup>5</sup> Because *Nazarani* is an Arabic derivation of *Nazarene* (from Jesus of *Nazareth*), it was most likely Arab traders who began calling the Kerala Christians *Nazarani Maplas* to distinguish them from *Jonaka Maplas* (Muslims).<sup>6</sup> Local tradition holds that St. Thomas was martyred and buried<sup>7</sup> near Madras in Mylapore in AD 72.<sup>8</sup>

Scholars today hold two opposing views on the origins of Indian Christianity. The first view holds that Thomas founded Christian

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<sup>1</sup> G. Nedungatt, *The Quest for Historical Thomas Apostle of India: A Re-reading of the Evidence*, Bangalore: TPI, 2008, xi.

<sup>2</sup> Bosco Puthur (ed.), *The Life and Nature of St. Thomas Christians Church in the Pre-Diamper Period*, Kochi: LRC Publications, 2000, 29.

<sup>3</sup> L.W. Brown, *The Indian Christians of St. Thomas*, London: Cambridge University Press, 1956, 11.

<sup>4</sup> A. M. Mundadan, *Indian Christians: Search for Identity and Struggle for Autonomy*, Bangalore: Dharmaram Publications, 2003, 4.

<sup>5</sup> E. M. Philip, *The Indian Church of St. Thomas*, Changanacherry: Mar Adai Study Centre, 1908, 19.

<sup>6</sup> A. M. Mundadan, *The Syro-Malabar Church: An Overview*, D. Thottakkara (compiled and ed.), Kalamassery: Sacred Heart Provincial House, 1995, 21.

<sup>7</sup> A. M. Mundadan, *History of Christianity in India*, vol. I, Bangalore: Church History Asso. of India, 2001, 31.

<sup>8</sup> The Government of India issued a postage stamp in 1972 on the occasion of the 19<sup>th</sup> centenary of the martyrdom of St. Thomas in India.

communities alone or jointly with St. Bartholomew.<sup>9</sup> According to the second view, it was merchants and Christian missionaries of the East Syrian or Persian Church who established Christianity in India.<sup>10</sup> However, despite any external doubts about their apostolicity, the St. Thomas Christians ardently affirm their foundation by Thomas himself. This conviction has so penetrated these Christians' inner thoughts and sentiments that, according to a well-known but anonymous quote, 'if you dare to say to them that St. Thomas did not come to India and they are not the descendants of original St. Thomas Christians community, they will throw you into Arabian Sea.' A writer conversant with the community's oral tradition confirms the vividness of this aspect:

Convince the *Nazaranees* (Christians of St. Thomas), if you can, that the Apostle St. Thomas was never in their midst. The educated among them may listen to your arguments with patience, but not without their final protest. The mob will get angry with you or will put you down for a lunatic, if not for a heretic. So strong is their belief in the apostolate of St. Thomas in their midst.<sup>11</sup>

In the last century, the apostolicity of the St. Thomas Christians in India was a major question among Church historians. Today, these apostolic origins are commonly accepted among scholars. This acceptance may explain the Vatican's silent and quick correction of Pope Benedict XVI's September 2006 statement on the topic. The St. Thomas Christians have long considered their apostolic origins the most important aspect of their identity, and an ancient, continuous and strong tradition, shared by all the Churches, supports their conviction.<sup>12</sup>

On 16 December 1992, as John Paul II raised the Syro-Malabar Church to major archiepiscopal status, he wrote: "...since the Syro-Malabar Church, as the constant tradition holds owed its origin to the preaching of the Apostle, St. Thomas, and having been enriched by a proper, venerable and spiritual patrimony, has grown up to a firm

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<sup>9</sup> Christopher O' Mahony OCD, *Church History, Alwaye*: Pontifical Institute Publication, 1964, 57.

<sup>10</sup> Paul Pallath, *The Catholic Church in India*, Rome: Mar Thoma Yogam, 2005, 10.

<sup>11</sup> A. M. Mundadan, *Indian Christians: Search for Identity*, (Quoted from a manuscr. work of Placid J. Podipara) 4.

<sup>12</sup> Cf., A. M. Mundadan, *History of Christianity in India*, vol. I, 21-64.

stature by tiding over the crisis of every kind all through the course of centuries..."<sup>13</sup>

## **2. The Chequered History of St. Thomas Christians in their Search for Identity and Struggle for Autonomy**

The St. Thomas Christians' search for identity and struggle for autonomy has a chequered history. By the 4<sup>th</sup> century, the Church founded by St. Thomas came under the influence of the Chaldean Church (East Syrian) or Church of Persia (the present day Iran and Iraq). Starting in the 5<sup>th</sup> century, the East Syrian bishops ruled over the St. Thomas Christians for about eleven centuries. During this period the latter reportedly lived their life in two worlds: the socio-cultural world of India and Kerala on the one hand, and the ecclesiastical world of the East Syrian Church of Persia on the other. This life in two worlds gave the St. Thomas Christians their pre-sixteenth century identity, that is, the "Law of Thomas" distinct from the "Law of Peter."<sup>14</sup>

By 1516, the St. Thomas Christians began to experience the influence of Portuguese missionaries. The Portuguese blocked the arrival of Persian bishops and tried to supplant the "Law of Thomas" with the "Law of Peter". The Portuguese also convened the well-known 1599 Synod of Diamper, which ended long-standing relations between the St. Thomas Christians and the East Syrian Church of Persia. The synod forcefully incorporated the St. Thomas Christians into the Latin jurisdiction of the Portuguese, thereby beginning a period of extensive latinization of the St. Thomas Christians' liturgy and ecclesiastical life.<sup>15</sup>

For more than sixteen hundred years, the Church of St. Thomas Christians had formed a single faith community. From its beginning until the arrival of the Portuguese, unity was their hallmark. However, the Portuguese latinization of the St. Thomas Christians generated protests and division in this previously undivided Church. The unrest culminated in what is known as the *Coonan Cross Oath*<sup>16</sup> (Bent Cross

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<sup>13</sup> Pope John Paul II, "Apostolic Constitution Constituting the Syro-Malabar Major Archiepiscopal Church of Ernakulam - Angamaly," (trans.), *Synodal News* 1 (August 1993) 12.

<sup>14</sup> A. M. Mundadan, *The Syro-Malabar Church*, 24-25.

<sup>15</sup> A. M. Mundadan, *The Syro-Malabar Church*, 26-27.

<sup>16</sup> A group of priests and lay people, led by the Archdeacon Thomas Parambil, swore on the Bible kept on the high altar in the church of Our Lady of Life at Mattanchery, near Cochin and took an oath that they would not be

Oath) of 1653. In this historically significant event, the St. Thomas Christians refused to be governed by Portuguese missionaries but simultaneously declared their allegiance to the Pope.

### **2.1. Aftermath of the Coonan Cross Oath (1653) and the struggle of St. Thomas Christians for their Autonomy**

In the 17<sup>th</sup> century, the St. Thomas Christians felt the need for native bishops to lead their Church. The revolt of 1653 had split the community into two groups, one in communion with Rome and another allied with the Jacobite Church of Antioch. The protesting party was known as *puthenkoottukar* (new Party), distinguished from the *pazhayakoottukar* (old party).<sup>17</sup>

### **2.2. Puthenkoottukar (New Sect)**

This group has assumed various names in the course of its history, including "Jacobites" and "Syrian Orthodox Church of India." Thus two parallel communities of St. Thomas Christians came to exist, one in communion with Rome and other in Communion with the Jacobite Church in Antioch.<sup>18</sup>

### **2.3. Further Division of the 'Puthenkoottukar'**

The Jacobites were further divided into two groups. One group is the *Methran Kakshi*, or Bishop's party, known as the "Orthodox Syrian Church of India." The *catholicos* of this Church resides at Devalokam, Kottayam, Kerala. The other group is the *Bava Kakshi*, or Patriarch's party. This group, which calls itself the "Jacobite Syrian Orthodox Church," acknowledges the Antiochene Jacobite patriarch as its head.<sup>19</sup>

Other went further along the path of reform and joined the C.M.S. Missionaries. Thus an Anglican community was founded in Malabar

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subject to the Portuguese Archbishop of Goa, Francis Garcia. According to tradition, the crowd shared in the oath by holding on to a rope tied to a cross bent as a result. Therefore, the oath known as the *Coonan* (bent) Cross oath. On the site of oath a cross stands today as a symbol of a sensational mass demonstration of protest by the St. Thomas Christians against the Latin rule. cf., A. M. Mundadan, *The Syro-Malabar Church*, 27-28.

<sup>17</sup> CherianVaricattu, *The Suriani Church of India - Her Quest for Autochthonous Bishops (1877-1896)*, Vadavathoor: Oriental Institute of Religious Studies India Publications, 1995, 3-4.

<sup>18</sup> E. M. Philip. *The Indian Church of St. Thomas*, 145-146.

<sup>19</sup> A. M. Mundadan, *The Syro-Malabar Church*, 28.

in 1879. This community, known as *Marthomites*, have their principal diocese at Kottayam, Kerala.<sup>20</sup>

#### **2.4. The St. Thomas Christians (*Pazhayakoottukar*) Old Party**

The St. Thomas Christians' thorough rejection of Latin rule prompted Roman intervention. To heal the bloody wounds at the hearts of the Malabar Church, Pope Alexander VII sent two apostolic commissioners of Carmelite missionaries to Malabar.<sup>21</sup> Of the two, the key figure was Joseph Mariya Sebastiani. Sebastiani, having discovered that the Padroado revolt was not against Rome but the Jesuits, informed the Pope that Syrians wished for a non-Jesuit bishop.<sup>22</sup>

#### **2.5. The St. Thomas Christians under Two Jurisdictions**

At the instigation of Propaganda, Sebastiani was secretly ordained bishop in the pope's private chapel and in 1660 returned to India. However, within Portuguese territory, the pope was not permitted to appoint a bishop whom the king had not presented.<sup>23</sup> Consequently, a double Catholic hierarchy appeared within the Malabar Church. The first was headed by Archbishop Garcia, of the Portuguese Padroado<sup>24</sup> of Jesuits, and was represented by the Archbishop of Kodungallur. The second was that instituted by the Propaganda. This second hierarchy was headed by Sebastiani, the Carmelite apostolic vicar, who resided at Varappuzha.

##### **2.5.1. The St. Thomas Christians under Propaganda Fide Alone**

Ecclesial history has always been intertwined with socio-political history. The 1663 capture of Cochin by the Dutch forced missionaries, including Sebastiani, to leave the region. Before leaving Kerala, he

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<sup>20</sup> CherianVaricattu, *The Suriani Church of India*, 5.

<sup>21</sup> Paul Pallath, *The Catholic Church in India*, 98.

<sup>22</sup> Christopher O Mahony, *Church History A Summary*, 534.

<sup>23</sup> Paul Pallath, *The Catholic Church in India*, 99.

<sup>24</sup> *Padroado* means patronage. By an agreement with Rome, the Church had the patronage of the Portuguese king. In return, Rome conceded to the king certain privileges, one of which was nominating archbishops and bishops in the territories newly discovered by the Portuguese. Thus the archbishops of Goa and Kodungallur came under *Padroado*. The king of Portugal nominated them. Their appointment, however, was reserved to Rome (cf., A. M. Mundadan, *The Syro-Malabar Church*, 29-30).

consecrated Alexander (Chandy) Parambil as a titular Bishop of St. Thomas Christians.<sup>25</sup>

The Christian faithful were content under Alexander (Chandy) Parambil, a bishop of their own Church and nation, who brought back many from the separated community. However, this indigenous bishop displeased the Carmelites. When the bishop petitioned the Propaganda for a coadjutor to lighten his immense workload, the pope entrusted the designation of this bishop to a committee of three Carmelite fathers. The pontiff instructed the committee to elect as bishop the archdeacon or, if he refused, any other Malabar priest who was Indian

### 5.2.2. Under Propaganda Fide and Padroado

Dutch opposition prevented missionary activity in Cochin until 1698, when the Holy See finally obtained permission to send missionaries. At that point, the Malabar Church again became divided under two heads. Areas where the Dutch had primacy were ruled by the Carmelite apostolic vicar of Malabar (1700-1853) and Verapoly (1853-1886). Other areas were governed by the Archbishop of Cranganore under the *Padroado*. The two jurisdictions often overlapped.<sup>26</sup>

### 2.6. Importance of Angamaly, the Work of St. Chavara Kuriakose Elias in building and defending the St. Thomas Christian Community against Roccas Schism.

As the St. Thomas Christians' grievances against the foreign missionaries grew, many conventions (*pothuyogams*) were held in Angamaly to voice these complaints. In 1787, representatives of 84 churches gathered there drew up a document called the *Angamaly Padiyola*.<sup>27</sup> This document strongly demanded native bishops. It also

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<sup>25</sup> Christopher O Mahony, *Church History A Summary*, 535.

<sup>26</sup> A. M. Mundadan. *Indian Christians Search for Identity*, 63.

<sup>27</sup> Assisi Francis Thonippara quotes an author who compares Angamaly Padiyola with Coonan Cross Oath: "The Coonan cross oath is repeated. Then it was against Jesuits, now it is against the Carmelites. The leader then was Thomas de Campo, now it is Thomas Paremmakkal. In those days the Jesuits were accused of having poisoned Ahatallah, now the unfortunate Carmelites are accused of having poisoned Bishop Cariattil, of having expelled the Syro-Chaldean Mar Simon, and having imprisoned various priests. The accusations are brought before the *Rajas* of Cochin and Travancore, and a regular trial is set up." cf., Ferroli, *Jesuits, II*, p. 127 as cited in Assisi Francis Thonippara, CMI, *Saint Thomas Christians of India: A Period of Struggle for Unity and Self-Rule*, Bangalore: Dissertatio Ad Doctoratum in Facultas Historiae

listed various ways in which the foreign missionaries had sinned against the St. Thomas Christian community. Angamaly thus became the epicenter of St. Thomas Christians' struggle against Latin rule.<sup>28</sup>

On 09 May 1861, the Chaldean bishop Thomas Roccas from Bagdad arrived in Kochi, thereby defying the Holy See's prohibition on Chaldean Patriarchs interfering in Church affairs in Kerala.<sup>29</sup> Roccas was received and led in procession to Thycattussery, Cherthala, as encouraged and directed by Parayil Tharakan. Of the 150 Syrian churches then existing, 86 unconditionally accepted Roccas and 36 partially recognized him. On 15 June 1861, the apostolic vicar of Verapoly, Msgr. Bernardino Baccinelli, wrote to Propaganda about the schism caused by Roccas. Baccinelli informed the congregation that his missionaries had advised him to appoint Fr. Kuriakose Elias Chavara, prior of Mannanam, as vicar general of the Syrians in Malabar, and that he had acted on this advice one month after Bishop Roccas had landed.<sup>30</sup>

As vicar general, Chavara Kuriakose Elias strenuously and authoritatively worked to re-establish order and tranquility in the Church. He corresponded with Rome about the Chaldean bishop, gently and peacefully dealt with him and his supporters, won the confidence of his own people, and lovingly brought back those who had strayed. With this approach, Chavara Kuriakose Elias settled the issue within ten months.<sup>31</sup> Chavara Kuriakose Elias and his confreres travelled widely in Malabar and brought back almost all parishes from the schism. Roccas was excommunicated and in March 1862 he returned to Bagdad.<sup>32</sup>

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Ecclesiasticae of Pontificia Universitas Gregoriana, 1999, 227 and for other details on Angamaly *Padiyola*, please refer to this book, pp. 221-231.

<sup>28</sup> A. M. Mundadan, *The Syro-Malabar Church*, 39.

<sup>29</sup> Thomas Kochumuttom, *Spirituality of Saint Kuriakose Elias Chavara*, Kochi & Bangalore: Chavara Central Secretariat & Dharmaram Publications, 2017, 26.

<sup>30</sup> K C Chacko, *Father Kuriakose Elias Chavara*, Mannanam: The Postulator, 1959, 79-82; Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 50: In the letter of Msgr. Baccinelli, to the Congregation he wrote about the excellent personality of Fr. Cyriac Elias Chavara, "Uomo veramente cristiano, virtuoso, prudentissimo, versatissimo nella Sacra Scrittura,"... "whether he could consecrate him as Coadjutor Bishop for the Syrians.....".

<sup>31</sup> Thomas Kochumuttom, *Spirituality of Saint Kuriakose Elias Chavara*, 28.

<sup>32</sup> Cf., K C Chacko, *Father Kuriakose Elias Chavara*, 81-87; Nearly four years later Propaganda wrote on 01 April 1865 to Msgr. Baccinelli the Vicar



Elias Melus was another Chaldean Catholic bishop who arrived in Kerala in 1874. He too was not accepted by the vicar apostolic of Varappuzha. *Surais*, who live in and around Thrissur and owe allegiance to the East Syrian Nestorian patriarch, are the followers of the Melus schism.<sup>33</sup>

### 3. When was the Syro-Malabar Hierarchy Restored?

In the light of the delegates' report, Pope Leo XIII decreed the separation of St. Thomas Catholics from that of the Latins in 1887. Thus, the Thomas Christians' desire to recover their lost identity as a Catholic Eastern Church of India was partially fulfilled. The pope understood that the Syrians legitimately desired a bishop of their own rite and nation.<sup>34</sup> Thus, with the May 20, 1887 brief *Quod lampridem*, Leo XIII exempted the Catholic Eastern Church of India from the jurisdiction of the Archdiocese of Verapoly. The same year, Syro-Malabar apostolic vicariates were erected at Trichur and Kottayam. The Anglo-Indian Adolf E. Medlycott was appointed to the first and the French Jesuit Charles Lavigne to the second.<sup>35</sup> As a result of these organizational changes, the Verapoly Archdiocese had come to consist exclusively of Latin Catholics.

Many factors delayed the erection of these vicariates for the Malabar Church. Canon 9 of the IV Lateran Council (1215) had absolutely forbidden the existence of multiple ecclesiastical heads – and therefore multiple ecclesiastical jurisdictions – within the same territory.<sup>36</sup> Nevertheless, the Malabar Church had had experience with such

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Apostolic, to state his view on the proposal to appoint Fr. Chavara as bishop without jurisdiction and depending him... This proposal had it materialized, would have brought untold benefits to the Malabar Church...But the Vicar Apostolic conveniently changed his former view on Fr. Chavara and his suitability for the episcopacy... . "Even though he was a good man and the only person who had the least obstacles to being made a Bishop, he had very little knowledge of Moral Theology, was too simple and inexperienced in governing, besides being 63 years of age which was equivalent to 80 years in Europe...Propaganda did not press the point... cf., Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 50-51.

<sup>33</sup> A. M. Mundadan, *The Syro-Malabar Church*, 31.

<sup>34</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 58.

<sup>35</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 58-63.

<sup>36</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 59.

jurisdictions. Until 1610, the Syrian Metropolitan Archbishop of Angamaly and the Latin bishop of Cochin (Padroado) claimed jurisdiction over the same territory.<sup>37</sup>

While the ritual separation effected by the *Quod Iampridem* greatly benefitted the Syro-Malabarians, their need for native bishops remained.<sup>38</sup> This need gave rise to a new phenomenon in Eastern Church governance. To meet the Syro-Malabarians' desires, native Latin bishops were appointed to govern the exclusively Syrian vicariates. Because the Latins in these territories had their own prelates, the Latin vicars had no jurisdiction over them.<sup>39</sup>

### 3.1. The Papal Brief *Quae Rei Sacrae*: The Granting of Indigenous Vicars Apostolic and its Canonical Importance

The ritual separation effected by the Brief: "*Quod Iampridem*" proved to be greatly beneficial to the Syro-Malabar Church. In response to increasingly numerous petitions from the Syrians, Propaganda considered giving them a bishop of their own rite.<sup>40</sup> On July 28, 1896, Leo XIII finally granted these petitions. On that day, the papal brief *Quae Rei Sacrae* completely reorganized the two vicariates into three, Trichur, Ernakulam and Changanachery, and entrusted them to the Syro-Malabar bishops Mar John Menachery (Trichur), Mar Alosious Pazheparambil (Ernakulam) and Mar Mathew Makkil (Changanachery). The brief also fixed the territorial boundaries of these exarchates and made them immediately subject to the Holy See.

Because the vicariates were immediately subject to the Holy See, their bishops were neither connected to the Chaldean Patriarchate nor obliged to attend the Latin provincial Synod. In fact, *Quae Rei Sacrae* said nothing regarding the duties of these prelates. Consequently, they followed duties established for Latin apostolic vicars, mainly by the Council of Trent. Though they followed the Latin norms, as Orientals they could act on their own accord. With regard to the fixing of the

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<sup>37</sup> Andrews Thazhath, *The Juridical Sources of the Syro-Malabar Church*, Vadavathoor: POIRS, 1987, 239-240.

<sup>38</sup> A.M. Mundadan, *Indian Christian Search for Identity*, 88.

<sup>39</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 60-61.

<sup>40</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 64.

territorial boundaries, the Syro-Malabarians outside the territory of the vicariates were placed under the Latin ordinaries where they resided.<sup>41</sup>

### **3.2. The Papal Brief *In Universi*: Separate Vicariate for the Southists and Its Canonical Implication**

The brief '*In Universi*' addressed the caste distinction between the Northists and the Southists, called Suddists, an endogamous community among St. Thomas Christians.<sup>42</sup> At that time, the apostolic vicar of Changanassery was a Southist, while most clergy and people were Northists. Based on the suggestions of the three Syro-Malabar apostolic vicars, Pope Pius X took action to restore peace in the vicariates of Changanachery. On 21 August 1911, the pope separated all the Southist parishes from Changanassery and Ernakulam and erected a new vicariate of Kottayam exclusively for the Southist community.<sup>43</sup> The Southist apostolic vicar of Changanachery, Msgr. Mathew Makkil, was transferred to Kottayam, and Rev. Fr. Thomas Kurialassery, an ex-alumnus of Propaganda, appointed to replace him.<sup>44</sup> By this provision "the Vicar Apostolic of Kottayam was granted the faculty of personal jurisdiction over all the Southists within the boundaries of the vicariates of Changanassery and Ernakulam."<sup>45</sup>

### **3.3. The Erection of the Syro-Malabar Hierarchy through the Apostolic Constitution, "*Romani Pontifices*" and its Canonical Significance**

After the erection of these four vicariates, the Syro-Malabar Church remained under the jurisdiction of Propaganda, which had competence over all Churches in mission countries. When Pope Benedict XV erected the 'Sacred Congregation for the Oriental Churches' with the *motu proprio Dei Providentis* of 1 May 1917, the Syro-Malabar Church came under its authority.<sup>46</sup>

From 1907, the Syrians repeatedly petitioned the Holy See to establish a hierarchy. Initially, "The granting of the hierarchy was delayed by the interference of the Chaldean Patriarchate which wanted Malabar

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<sup>41</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro- Malabar Hierarchy*, 67.

<sup>42</sup> Paul Pallath, *The Catholic Church in India*, 112-115.

<sup>43</sup> Paul Pallath, *The Catholic Church in India*, 114.

<sup>44</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 69.

<sup>45</sup> Paul Pallath, *The Catholic Church in India*, 131.

<sup>46</sup> Paul Pallath, *The Catholic Church in India*, 131.

under its rule.”<sup>47</sup> Finally, on 21 December 1923, Pope Pius XI granted the Syrians’ petitions. With the seminal constitution *Romani Pontifices*, Pius – justifiably called the pope of the East<sup>48</sup> – granted the St. Thomas Christians a stable hierarchy of their own.<sup>49</sup> Ernakulam was made a metropolitan See, with Trichur, Changanachery and Kottayam as its suffragans.<sup>50</sup>

With this new type of Hierarchy, the Eastern Malabar Church became similar to the Western Latin Church in ecclesial structure and grades of order and jurisdiction.<sup>51</sup> The constitution provided that the hierarchy was to be governed by all universal Church binding on Eastern Churches, as well as legitimate prescriptions and customs of the Syro-Malabar Church. The metropolitan and bishops, being outside a patriarchate, were to be directly nominated by the Holy See.<sup>52</sup>

#### 4. Syro-Malabar Church from Grave Disunity to Major Archiepiscopal Status

The decades-long division of the Syro-Malabar Church under two metropolitans caused a grave disunity.<sup>53</sup> Because this Church lacked a single and unifying head, some debated whether it could be

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<sup>47</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 71.

<sup>48</sup> Pope Pius XI is deservedly called the ‘Pope of the Orient’ because of his whole-hearted interest in Eastern Christianity reflected in his famous encyclical *Rerum Orientalium* of 1928. It was the same Pope who later recognized the new Catholic Rite (Syro-Antiochene Rite) for the reunited Syro-Malankara Church and gave them hierarchy.

<sup>49</sup> George Thanchan CMI, *The Juridical Institution of Major Archbishop in Oriental Canon Law: With a Special Reference to Syro- Malabar Major Archiepiscopal Church (A Historical Juridical Study)*, Bengaluru: Institute of Oriental Canon Law, Dharmaram Vidya Kshetram, 2017, 322.

<sup>50</sup> Paul Pallath, *The Catholic Church in India*, 131.

<sup>51</sup> Varkey J. Vithayathil, *The Origin and Progress of the Syro-Malabar Hierarchy*, 76.

<sup>52</sup> Andrews Thazhath, *The Juridical Sources of the Syro-Malabar Church*, 258.

<sup>53</sup> According to Žužek, Secretary of the Code Commission, an administrative act of the Holy See was necessary after the promulgation of the Code to determine the status of some Churches. He made a special mention of the SMC: “Per quanto riguarda la Chiesa Malabarese, tanto fiorente, che consta di due metropolie, si nota solo che essa al momento ha una figura simile ad una ‘conferenza episcopale latina.” Ivan Žužek, “Presentazione del Codex Canonum Ecclesiarum Orientalium,” in *Undertanding the Eastern Code*, (Kanonika 8), Roma: PIO, 1997, 128-129.

considered a Church *sui iuris* under the CCEO 1990.<sup>54</sup> To rectify this disunity, John Paul II promulgated the apostolic constitution *Quae Maiori* on 16 December 1992. With this constitution, the pope "expressly recognized the Syro-Malabar Church as a Major Archiepiscopal Church."<sup>55</sup> Pope John Paul II appointed Mar Antony Cardinal Padiyara the first major archbishop, who continued to serve as eparchial bishop and metropolitan. However, Padiyara was in too poor health condition to assume the pastoral governance of a major archiepiscopal Church. Consequently, the pope temporarily reserved this governance to himself, exercising it through a pontifical delegate for all matters except liturgy and the election of bishops.<sup>56</sup> Additionally, Pope John Paul II appointed the apostolic nuntio Mar Abraham Kattumana as his special delegate for the Major Archiepiscopal Church of Ernakulam-Angamaly. For the duration of his mandate, Kattumana was asked to exercise the governance proper to major archbishops in the manner and within the limits defined by canon law (cf. CCEO cc. 152; 72-111).<sup>57</sup>

#### **4.1. Name of the Major Archiepiscopal Church and Its See**

When Pope John Paul II elevated the Syro-Malabar Church to major archiepiscopal status, he gave it the title 'Ernakulam-Angamaly' and designated Ernakulam as its residential See. By the turn of the 20<sup>th</sup> century, "Ernakulam became the principal city of the St. Thomas Christians. When the Syro-Malabar hierarchy was established in 1923, Ernakulam was selected as the metropolitan See. Thus by choosing the title Ernakulam-Angamaly for the Syro-Malabar Archiepiscopal Church, Rome recognized the importance of the See of Angamaly, which was for many years the residence of the archbishop of the St.

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<sup>54</sup> According to Archbishop Mar Abraham Kattumana, "The Syro-Malabar Church was in a juridically anomalous situation as it was under two metropolitans having no "Father and Head" as envisaged in CCEO (cc. 55, 151). And now the Holy See has recognized the Syro-Malabar Church as a full fledged Church *sui iuris* with an Archbishop Major in the person of His Eminence Antony Cardinal Padiyara." cf., "Opening Address by Archbishop Abraham Kattumana, the Pontifical Delegate," *Synodal News* 1 (August 1993) 24.

<sup>55</sup> *Code of Particular Law of the Syro-Malabar Church* (Kochi: Mount St. Thomas, 2013), ix.

<sup>56</sup> Cf., G Nedungatt, *The Spirit of the Eastern Code*, Rome & Bangalore, 1993, 155.

<sup>57</sup> Decree of the Congregation for the Oriental Churches (Prot. No 11/93) as cited in *Synodal News* 1 (August 1993) 8.

Thomas Christians, and of Ernakulam which is the first metropolitan See of the Syro-Malabar Church.”<sup>58</sup>

A common head in the person of a major archbishop and a major archiepiscopal curia were “totally new to the Syro-Malabar Church.”<sup>59</sup> After its elevation, the Church is now called the ‘Syro-Malabar Major Archiepiscopal Church of Ernakulam-Angamaly’ (SMMAC). Some confusion has arisen about this name. The expression *titulum ecclesiae patriarchali* in CCEO c. 57 §2 signifies the title of the major archiepiscopal See. In this sense, the title ‘Ernakulam -Angamaly’ could be understood as the title of the major archiepiscopal See and not of the major archiepiscopal Church.<sup>60</sup>

In accord with CCEO c. 57 §3,<sup>61</sup> the major archiepiscopal See has been fixed as the stable residential See of the major archbishop. Now, as stated in the apostolic constitution *Quae maiori*, Ernakulam-Angamaly is the centre of the Syro-Malabar Major Archiepiscopal Church. The major archiepiscopal curia began functioning in the Ernakulam archbishop’s residence, then transferred to Mount St. Thomas, Kakkannad on 27 May 1995.<sup>62</sup>

#### 4.2. Major Archbishop

According to CCEO c. 151, “a major archbishop is the metropolitan of a See determined or recognized by the supreme authority of the Church, who presides over an entire Eastern Church *sui iuris* not distinguished with the patriarchal title.” The major archbishop has the same rights and obligations as of a patriarch. “Major Archbishops have the precedence of honour immediately after patriarchs according to the

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<sup>58</sup> A. M. Mundadan, *The Syro-Malabar Church*, 39.

<sup>59</sup> Jose Porunnedom, Major Archiepiscopal Curia of the Syro-Malabar Church: History and Organiza-tion, in Eluvathingal, F. (ed.), *Syro-malabar Church since the Eastern Code*, (Trichur: Mary Matha Publications, 2003), 86.

<sup>60</sup> G. Nedungatt says that “the title ‘Ernakulam-Angamaly’ is not the title of Syro-Malabar Church but of the status or of the office of the Major Archbishop.” cf., G Nedungatt, *The Spirit of the Eastern Code*, 173-4.

<sup>61</sup> CCEO c. 57 §3: “A patriarchal Church must have a permanent See for the residence of the patriarch inside its own territory, if possible in a principal city, from which the patriarch takes his title. This See cannot be transferred except for a most grave reason and with the consent of the synod of bishops of the patriarchal Church and having obtained the assent of the Roman Pontiff.”

<sup>62</sup> Directory 2015-2016, Archdiocese of Ernakulam-Angamaly (Ernakulam: The Archeparchial Curia, 2015), 38.

order in which the Church they preside over, was erected as a major archiepiscopal Church" (CCEO c. 154).

*Ex officio*, the major archbishop is father and head of the Syro-Malabar Church. When this Church was raised to major archiepiscopal status in 1992, its major archbishop exercised jurisdiction on five levels: the archeparchy, the metropolitan province, the proper territory of the Syro-Malabar Church, the mission eparchies, and the diaspora.<sup>63</sup>

Beginning in the nineteenth century, various Eastern patriarchs and major archbishops have been created cardinals by the Roman Pontiff. To this day, three cardinals have presided over the Syro-Malabar Church. These are: Mar Antony Cardinal Padiyara (1993-1996), Mar Varkey Cardinal Vithayathil C.Ss.R. (Administrator 1996-1999; Major Archbishop (1999-2011), and Mar George Cardinal Alencherry (2011-present).

## **5. Territory of Syro-Malabar Major Archiepiscopal Church**

The territory of the Syro-Malabar Church can be distinguished at three levels: proper territory, mission eparchies and the diaspora. Within these three levels, power of governance is exercised by the major archbishop and the synod of bishops.

### **5.1. The Proper Territory**

The proper territory of the Syro-Malabar Church is limited to the civil state of Kerala and certain areas of Tamilnadu and Karnataka. It contains five metropolitan provinces (including Ernakulam-Angamaly) and thirteen eparchies. "It is only in its proper territory that Syro-Malabar Church can realize itself fully as a major archiepiscopal Church: it is only in the proper territory that the major archiepiscopal power can be fully exercised."<sup>64</sup> On 09 October 2017, at the time he established the Syro-Malabar eparchies of Shamshabad<sup>65</sup> in Telengana and Hosur<sup>66</sup> in Tamilnadu, Pope Francis also extended the boundaries of the eparchies of Ramanathapuram and Thuckalay to include areas not within the new diocese of Hosur in Tamilnadu. In his

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<sup>63</sup> George Thanchan, *The Juridical Institution of Major Archbishop in Oriental Canon Law*, 328.

<sup>64</sup> George Thanchan, *The Juridical Institution of Major Archbishop in Oriental Canon Law*, 331.

<sup>65</sup> Pope Francis, "Decree Erecting the Eparchy of Shamshbad," 09 October 2017 as cited in *Synodal News*, vol. 25, nos. 1-2 (Dec. 2017) 191-193.

<sup>66</sup> Pope Francis, "Decree Erecting the Eparchy of Hosur," *Synodal News*, vol. 25, nos. 1-2 (Dec. 2017) 187-190.

letter dated 09 October 2017 addressed to all bishops in India, Pope Francis asked the Syro-Malabar Church to 'provide pastoral care for its faithful throughout the territory of India.'<sup>67</sup> These words indicate that, at least in principle, the Syro-Malabar Major Archiepiscopal Church has received India-wide jurisdiction. Therefore, it is the responsibility of the Syro-Malabar major archbishop and synod of bishops to execute this pastoral care through effective dialogues and communion with the bishops of other Churches *sui iuris* in India.

### 5.2. The Mission Eparchies

At present, there are thirteen mission eparchies in India, three outside of it, and one apostolic exarchate outside India. The major archbishop and synod of bishops cannot fully exercise their power of governance over any of these structures. Nevertheless, the latter are part of the Syro-Malabar Church. Their bishops are members of the major archiepiscopal assembly (CCEO c. 143 §1, 1°) and of the Syro-Malabar synod of bishops. In the latter, they enjoy a deliberative vote according to Syro-Malabar particular law.<sup>68</sup>

### 5.3. The Diaspora

In addition to those residing in mission eparchies, many Syro-Malabar faithful are found all over the world. Those dispersed outside the Syro-Malabar major archiepiscopal territory are considered the 'diaspora.' The Syro-Malabar Church has permission from the Apostolic See to establish parishes for the people residing outside the mission eparchies in India. The area that was outside the mission eparchies in India was divided into two new eparchies, viz., Hosur and Shamshabad. At the same time, only three eparchies and one exarchate exist outside India. Those who live outside these mission eparchies fall under the Syro-Malabar Church diaspora.

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<sup>67</sup> Pope Francis, "Letter of His Holiness Pope Francis to the Bishops of India," *Synodal News*, vol. 25, nos. 1-2 (Dec. 2017) 184.

<sup>68</sup> Code of Particular Law of the Syro-Malabar Church, Part I, Title I, Article 4: "All and solely the ordained bishops of the Syro-Malabar Major Archiepiscopal Church whether eparchial, titular or emeritus, constituted inside or outside the territorial boundaries of the Syro-Malabar Major Archiepiscopal Church, excluding those mentioned in c. 953 §1 or those who are punished by canonical penalties mentioned in cc. 1433 and 1434 are members with deliberative vote in the synod."



The major archbishop has the right to issue instructions and encyclical letters to the Syro-Malabar faithful all over the world.<sup>69</sup> When local hierarchs appoint presbyters, pastors, or syncellus to care for Syro-Malabar faithful, they must act in agreement with the major archbishop. If the latter disagrees, the matter is to be referred to the Apostolic See (CCEO c. 193 §3).

#### **5.4. Major Archiepiscopal Curia**

The major archiepiscopal curia is the administrative headquarters and the central body of the SMMAC. According to CCEO, the major archbishop must have separate curias for his archdiocese and for the entire Church over which he presides (CCEO c. 114 §1). The major archiepiscopal curia coordinates and provides central organization for the smooth functioning of the entire Syro-Malabar Church. This curia includes the major archbishop, permanent synod, synod of bishops, curial bishops, chancellor, finance officer, and various departments.

The first major archiepiscopal curia, distinct from the archeparchial curia, began functioning in March 1992 at the archbishop's Ernakulam-Angamaly residence. On 27 May 1995, the curia relocated to Kakkanad. The new building was blessed by the Major Archbishop Mar Antony Cardinal Padiyara on 03 July 1998 and its offices were inaugurated by Major Archbishop Mar Varkey Cardinal Vithayathil CSsR. The Curia is working with essential infrastructure where the major archbishop also has a residence apart from the one he has in the Archbishop's House in Ernakulam.<sup>70</sup>

#### **6. Particular Law of Syro-Malabar Church**

The work of codifying of the particular laws of the Syro-Malabar Church (SMC) began soon after the 1990 promulgation of the *Code of Canons of the Eastern Churches*. The second largest of the twenty-two

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<sup>69</sup> CCEO c. 82 §1 By his own right the patriarch can: 1° within the scope of his competence, issue decrees that determine more precisely the methods to be observed in applying the law or urge the observance of laws; 2° direct instructions to the Christian faithful of the entire Church over which he presides in order to explain sound doctrine, foster piety, correct abuses, and approve and recommend practices that foster the spiritual welfare of the Christian faithful; 3° issue encyclical letters to the entire Church over which he presides concerning questions regarding his own Church and rite.

<sup>70</sup> Paul Chittilapilly, *Syro-Malabar Patriarchate*, Delhi: Media House, 2011, 130.

Eastern Catholic Churches *sui iuris*,<sup>71</sup> the Syro-Malabar Church was the first to start and complete the codification of its particular laws.

### 6.1. The Pontifical Delegate and the Codification

Fr. George Nedungatt had formulated certain model guidelines,<sup>72</sup> which were taken over by the Particular Law Committee. The Bishops' committee and its consultants, along with the expert committee directed by the pontifical delegate Archbishop Abraham Kattumana, worked assiduously to draft particular laws<sup>73</sup> on the various activities of the Church. The expert committee was divided into seven different subcommittees, each of which worked according to the procedural

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<sup>71</sup> Today, the supreme Authority of the Church has canonically given *sui iuris* status to 22 Eastern Catholic Churches (see, *Annuario Pontificio* 2018, pp. 1127-1129). However, Ronald G. Roberson in one of his recent articles enumerates only 21 Churches *sui iuris*: According to the dispositions of the Eastern Code, Eastern Catholic Churches today fall into four categories: Patriarchal (6), Major Archiepiscopal Churches (4), Metropolitan Churches (5), and Other Churches *sui iuris* (6). All these 21 Churches *sui iuris* and 4 other Eastern Catholic Communities taken together they have a total membership of about 17.5 million, approximately 1.5% of the 1.2 billion Catholics today.

<sup>72</sup> George Nedungatt S J presents "Guidelines for the Particular Code of the Syro-Malabar Church" under the following headings: (1) Preamble, (2) Title, (3) A Code true to the Church Identity, (4) Oriental Character of the PCSMC, (5) Indian Character of PCSMC, (6) Principle of Subsidiarity, (7) A Code for Today and Tomorrow and not for Yesterday, (8) Ecumenical Character of PCSMC, (9) Pastoral Nature of PCSMC, (10) The Laity, the Clergy and the Religious, (11) The Missionary Thrust of PCSMC, (12) Mindful of the Diaspora, (13) Participation of all, (14) The Structure of PCSMC, (15) Other Directives, (16) Bishops' Commission and (17) Approval, in *The Spirit of the Eastern Code* (Rome and Bangalore: Centre for Indian and Inter-Religious Studies; Dharmaram Publications, 1993), 218-221.

<sup>73</sup> The pontifical delegate, as he was not satisfied with the draft earlier made with someone's help, invited Fr. George Nedungatt S J to the major archiepiscopal curia to draft the statutes of the permanent synod, the superior tribunal, the major archiepiscopal tribunal and the major archiepiscopal assembly. Fr. Nedungatt came and stayed at the curia for almost two weeks during summer vacation in 1994 and completed the drafting of the statutes. The synod approved all the four for promulgation without many modifications. See, Jose Porunnedom, "Memoirs: Rev. Dr. George Nedungatt SJ: Canonist and Teacher," in Francis Eluvathingal (ed.), *Syro-Malabar Church since the Eastern Code* (Festschrift in honour of Prof. George Nedungatt S.J) 16; also in *Journal of St. Thomas Christians* 23 (2011) 2, 3, 4 (Festschrift) 14.

guidelines given to them.<sup>74</sup> The subcommittees prepared drafts that were presented before general meetings of their members. At the same time, these subcommittee drafts were published in the *Synodal News* with a request to send observations on them to the major archiepiscopal curia. The curia forwarded these observations to the Synodal Commission, which revised the drafts in light of them. The Commission then submitted the revised drafts to the synod for final discussion and approval.<sup>75</sup> On 01 January 1995, the pontifical delegate promulgated *ad experimentum* for three years the Statutes of the Permanent Synod, the Statutes of the Superior Tribunal, the statutes of the Major Archiepiscopal Ordinary Tribunal and the Revised Statutes of the St. Thomas Apostolic Seminary Vadavathoor.<sup>76</sup>

The sudden and unexpected death of the Pontifical Delegate on 04 April 1995 considerably slowed the activities of the commission for Particular Law. Following the death of Mar Abraham Kattumana, Mar Antony Cardinal Padiyara, the Major Archbishop, continued to lead the Church.

## 6.2. Completion of Codification Process and the Code of PLSMC

After Mar Antony Padiyara resigned as major archbishop, Pope John Paul II appointed Mar Varkey Vithayathil, C.Ss.R. apostolic administrator (1997) and major archbishop (1999). While holding these offices, Mar Vithayathil promulgated the rest of the Particular Laws.<sup>77</sup> All Particular Laws promulgated up to 2003 and the Particular Laws on the Permanent

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<sup>74</sup> Procedural Guidelines for The Drafting of The Particular Laws of The Syro-Malabar Church: (1) The Particular Laws should be based on the *Codex Canonum Ecclesiarum Orientalium*, (2) Each Sub-Committee is expected to point out to the General Committee those canons which give provision for particular law, (3) In drafting the canons of the particular laws special attention should be given to the following points (3.1) The Sources (3.1.1) Pre-Portuguese (until the 16<sup>th</sup> century), (3.1.2.) From 1599-1887, (3.1.3) From 1887-1990, (3.1.4) Present constitutions and statutes of Juridical Institutes, (3.2.) The existing particular customs, traditions and laws (Their variants in dioceses and regions are to be noted), (4) Specify the laws and structures to be supplemented, (5) Find the lacunae in the present code and in the present juridical structures in the SMC, (6) Make a study of the particular laws of other Churches and Christian denominations and (7) Each sub-committee has to prepare a schema of the particular laws in the sections assigned to it, indicating their sources. Ref. James Thalachelloor, "Particular Law of the Syro-Malabar Church," 105; SMMAC, *Code of Particular Law of the SMC*, ix-x.

<sup>75</sup> *Synodal News*, no. 4, February 1995, 20.

<sup>76</sup> SMMAC, *Code of Particular Law of the SMC*, x-xi.

<sup>77</sup> SMMAC, *Code of Particular Law of the SMC*, xi.

Diaconate were published as a single volume of *Synodal News*.<sup>78</sup> In 2003, the *Synodal News* published the codified version of the SMC Particular Laws.<sup>79</sup> Some studies have since appeared on the aforementioned Particular Law of the Syro-Malabar Church<sup>80</sup> which constituted this Church's proper law until the promulgation of its Code of Particular Law.<sup>81</sup>

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<sup>78</sup> *Synodal News*, vol. 11, no. 1 (2003), Mar Paul Chittilapilly, the chairman of the Commission for Particular Law [cf., *Synodal News*, vol. 5, no. 2 (1997), 19] had informed the Synod held during 5-16 November 2001 that the particular laws promulgated in different periods would be edited into one code. See *Synodal News*, vol. 9, nos. 1 & 2 (2001), 21.

<sup>79</sup> *Synodal News*, vol. 11, no. 1 (May 2003) "Preamble," 3-11. The purpose of the *Synodal News*, the official organ of the Syro-Malabar Major Archiepiscopal Church, could be traced in the first issue published in August 1993: "It was the wish of the Fathers who assembled together for the First Syro-Malabar Bishop's Synod from 20 to 25 May 1993 at Earnakulam that a bulletin be published at least after each synod to keep the Church informed of the work of the Synod and of the Major Archiepiscopal Curia and to communicate all important news in our Church. They themselves proposed a provisional title '*Synodal News*.'" It continues to be published after every Synodal session.

<sup>80</sup> James Thalalachloor, "Particular Law of the Syro-Malabar Church," in Francis Eluvathingal (ed.), *Syro-Malabar Church since the Eastern Code* (Festschrift in honour of Prof. George Nedungatt S.J), Trichur: Marymatha Publications, 2003, 100-116; Sunny Kokkaravalayil, "The Particular Law of the Syro-Malabar Church: an Appraisal," *Ephrem's Theological Journal* 11 (2007): 178-197; Michael Vattappalam, Jose Porunnedom and Mathew Kochupurackal (eds.) *A Study on the Particular Laws of the Syro-Malabar Major Archiepiscopal Church*, Bharananganam 2007; Sunny Kokkaravalayil, "Syro-Malabar Particular Law: an Adequate Response to CCEO's Call?," *Pontificio Consiglio per i Testi Legislativi, Il Codice delle Chiese orientali: la storia, le legislazioni particolari, le prospettive ecumeniche*, Vatican City, Libreria Editrice Vaticana, 2011, 225-242; M. Kochupurackal, "Particular Law of the Syro-Malabar Church: An Evaluation of the Present Stage," *Eastern Legal Thought*, vol. 9 & 10 (2010-2011): 177-191 and Varghese Koluthara, "Code of Particular Law of the Syro- Malabar Church," *Kanon XXIII* (2014) 109-135. These are some of the studies published so far on the Particular Law of the Syro-Malabar Church.

<sup>81</sup> The Major Archbishop George Cardinal Alencherry promulgated *Code of Particular Law of the Syro-Malabar Church* in a single volume on 03 December 2013. In promulgating it he wrote: "The laws contained in this Code have already been promulgated and published part by part and they have been in force since they were promulgated." cf., Major Archbishop George Cardinal Alencherry, *Code of Particular Law of the Syro-Malabar Church*, Mount St. Thomas, Kochi: Syro- Malabar Major Archiepiscopal Curia, 2013, vii.

The newly published (03 December 2013) *Code of Particular Law of the Syro-Malabar Church* has the following structure: (1) Decree of Promulgation (v-vii); (2) Preface (viii-xiv); (3) Preamble with Sections one and two (xv-xix); (4) Part I deals with Particular Laws (art. 1-48); (5) Part II deals with Statutes (art. 49-108) and Part III deals with Guidelines (art. 135-176). In promulgating it Mar George Cardinal Alencherry wrote: "The laws contained in this Code have already been promulgated and published part by part and they have been in force since they were promulgated" (cf., f. n. 82 above). The Preface of the *Code of Particular Law of the Syro-Malabar Church*, after a preamble, gives a brief history of the codification. Section one sketches a brief history of the Syro-Malabar Church, while Section two deals with the sources of its code.

### **7. Roman Procura**

The elevation of the Syro-Malabar Church to major archiepiscopal status has empowered the major archbishop to appoint a procurator to represent him in Rome (CCEO c. 61). "The idea of appointing a procurator was born along with the elevation of the Syro-Malabar Church to the status of a Major Archiepiscopal *sui iuris* Church in 1992."<sup>82</sup> "As the statutes of Syro-Malabar Procura were approved by the Major Archbishop on 03 June 2004, the Congregation for the Oriental Churches canonically erected the *procura* of the Syro-Malabar Church at the Holy See on 18 June 2014."<sup>83</sup> "A procurator of the Syro-Malabar Church in Rome would be a sign, the symbol of communion and diversity in the eternal city."<sup>84</sup>

The goal of the *Procura* "is to facilitate the communication of the Major Archbishop with the Apostolic See and to provide, in the name of the Major Archbishop, more expeditiously and with greater effectiveness, for the care of the spiritual and material goods of the Syro-Malabar Catholic Church in Rome and, in Italy. And the Procurator represents the Major Archbishop of the Syro-Malabar Church before ecclesiastical and civil authorities in Italy."<sup>85</sup> The procurator "becomes very often

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<sup>82</sup> <http://www.syromalabarchurch.in/procura.php>, accessed 17.02. 2018.

<sup>83</sup> <http://www.syromalabarchurch.in/procura.php>, accessed 17.02. 2018.

<sup>84</sup> Francis Eluvathingal, "In View of a Syro-Malabar Church Procurator at the Apostolic See of Rome," in Eluvathingal, F. (ed.), *Syro-Malabar Church since the Eastern Code* (Trichur: Mary Matha Publications, 2003) 290.

<sup>85</sup> <http://www.syromalabarchurch.in/procura.php>, accessed 17.02.2018.

the point of reference for the Oriental faithful who reside in the eternal city."<sup>86</sup>

### 8. Present Status of the Syro-Malabar Church

On 09 October 2017, Pope Francis established two new eparchies for the Syro-Malabar Church: Shamshabad<sup>87</sup> in Telengana and Hosur<sup>88</sup> in Tamilnadu. He also extended the boundaries of the eparchies of Ramanathapuram and Thuckalay. In the light of the pope's October 2017 letter to Indian bishops, some questions still remain unanswered, whether the Syro-Malabar Church is competent to establish parishes throughout India and give proper pastoral care to the Syro-Malabar faithful with immediate effect?<sup>89</sup> However, the letter itself provides clarity on the issue: "I have, therefore, authorized the Congregation for the Oriental Churches to provide for the pastoral care of the Syro-Malabar faithful throughout India by the erection of two Eparchies and by the extension of the boundaries of the two already in existence."<sup>90</sup> Thus, in the following words, Pope Francis emphatically identifies those responsible for the pastoral care of Syro-Malabar faithful throughout India: "I decree also that the new circumscriptions, as with those already in existence, be entrusted to the pastoral care of the Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-Malabar Church, according to the norms of the *Code of Canons of the Eastern Churches*."<sup>91</sup> Now, who will break the ice of initiating the dialogue for executing the directives of Pope Francis?

### Conclusion

Looking back on the last twenty-six years, the Syro-Malabar Church can proudly state that it has grown as a Church *sui iuris* in almost

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<sup>86</sup> Francis Eluvathingal, "In View of a Syro-Malabar Church Procurator," 286.

<sup>87</sup> Pope Francis, "Decree Erecting the Eparchy of Shamshbad," *Synodal News*, vol. 25, nos. 1-2 (Dec. 2017) 191-193.

<sup>88</sup> Pope Francis, "Decree Erecting the Eparchy of Hosur," *Synodal News*, vol. 25, nos. 1-2 (Dec. 2017) 187-190.

<sup>89</sup> Pope Francis, "Letter of His Holiness Pope Francis to the Bishops of India," *Synodal News*, vol. 25 (Dec. 2017) 181-186.

<sup>90</sup> Pope Francis, "Letter of His Holiness Pope Francis," *Synodal News*, vol. 25 (Dec. 2017) 184.

<sup>91</sup> *L'Osservatore Romano*, English Edition, 41 (13 October 2017) 5; *Synodal News*, vol. 25 (Dec. 2017) 184.

every sphere. It is now the second largest Eastern Catholic Church,<sup>92</sup> a flourishing one that has contributed inestimably to nation-building in India."<sup>93</sup> Given the needs of this Church *sui iuris*, Pope Francis has instructed the Syro-Malabar hierarchy to march forward for the 'pastoral care of Syro-Malabar faithful throughout India' and to take up 'the mission of the Church' there. In his powerful pastoral letter of 2017 to all Catholic bishops in India, the pope states that "all these developments show that, albeit not without problems, the presence of number of bishops in the same area does not compromise the mission of the Church... The presence of several bishops of the various *sui iuris* Churches in the same territory will surely offer an eloquent witness to a vibrant and marvellous communion... In the words of St. Augustine, Pope Francis asks all bishops of India for '*dilatentur spatial caritatis* (Sermon 69 PL 5, 440. 441) for a growth in love, communion and service."<sup>94</sup> Therefore, if ambiguity about how to proceed with the new mission of Syro-Malabar Church remains, it is now the responsibility of its hierarchy to dialogue with the Latin and Syro-Malankara bishops of India. This dialogue is necessary for the Syro-Malabar Church to achieve her long-desired pastoral jurisdiction throughout India and to undertake new evangelization in tune with the letter of Pope Francis.

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<sup>92</sup> According to the present statistics, Syro-Malabar Major Archiepiscopal Church has 51,00,000 faithful in India and abroad. At present, the SMMAC has got 5 Archeparchies, 30 Eparchies and 2 Apostolic Visitations (Total 35+2=37); 18 of them (5 Archeparchies and 13 Eparchies) in 'Canonical Territory' (Kerala, and parts of Tamil Nadu, Karnataka) and under the proper jurisdiction of the Major Archbishop; 9 Eparchies in various Indian states with exclusive Syro-Malabar jurisdiction; 4 Eparchies - Kalyan, Faridabad, Hosur and Shamshabad in India - where there are multiple jurisdictions; 4 Eparchies for Syro-Malabar faithful in USA, Australia, Great Britain and Canada; 2 Apostolic Visitations - 1. Europe and 2. New Zealand Syro-Malabar Church Cf., Internet Mission, *Syro-Malabar Church*, accessed on 17.02.2018.

<sup>93</sup> At present there are 64 bishops (including the auxiliary and emeritus), 8941 Priests (Diocesan and religious), 32114 women religious and 1214 major seminarians in the Syro-Malabar Church. Many Bishops, priests, religious are working in different parts of the world in different Churches *sui iuris*. The Syro-Malabar Church is very actively involved in educational, social and health related fields. The Syro-Malabar Church runs 4860 educational, 262 ecclesiastical and 2614 health and charitable institutions. Cf., <http://www.syro-malabarchurch.org/?q=content/history-syro-malabar-church>, accessed 17.02.2018.

<sup>94</sup> Cf., Pope Francis, "Letter of His Holiness Pope Francis," *Synodal News*, vol. 25 (Dec. 2017) 184-186.

The elevation of Syro-Malabar Church to the major archiepiscopal status gave the Syro-Malabar Church a proper *sui iuris* status according to CCEO. With a major archbishop as its 'father and head' and a synod of bishops, the Syro-Malabar Church can flourish freely and faithfully with its apostolic vitality and rich heritage.<sup>95</sup>

Understanding the evolution of the Syro-Malabar Church from the first centuries until today requires introspection on her inner dynamism. In this challenging time, is the Syro-Malabar Church ready to undertake the great mission of evangelizing India together with bishops there from other Churches *sui iuris*? Generally speaking, Eastern faithful have historically believed that the Holy Spirit directs synodal deliberations. For that reason, the faithful likewise considered synodal decisions sacred laws or teachings (*sacri canones*) imprinted with holiness. Growing into this synodal spirituality will be a long journey for the Syro-Malabar Church; however, it will enable her to become a truly caring, serving, compassionate and vibrant Church walking in the footsteps of our Good Shepherd. On this journey, the search for identity and struggle for autonomy that has impelled her through history should continue to drive her toward the realization of this goal. Let us pray for our Church *sui iuris* so that "the vitality of the whole Church never appears to be aging."<sup>96</sup>

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<sup>95</sup> George Thanchan, *The Juridical Institution of Major Archbishop in Oriental Canon Law*, 352-353.

<sup>96</sup> St John Paul II, "Apostolic Constitution *Sacri Canones*," in the *Code of Canons of the Eastern Churches* (Re-published in Bangalore: TPI) 2003, xxiii.