

PALLIYOGAM: A LAUDABLE HERITAGE OF THE SYRO-MALABAR MAJOR ARCHIEPISCOPAL CHURCH IN THE LIGHT OF CCEO C. 295

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Palliyogam is a unique heritage and contribution of the St. Thomas' Christians to the universal Church. In this article, Fr. Palathinkal Varghese "attempts to make an appraisal of the ancient heritage, namely, *Palliyogam* of the church *sui iuris*, that is, Syro-Malabar Major Archiepiscopal Church." He treats how the concept of *palliyogam* originated in the Hindu cultural and social background and what were the salient features of the same. Further, the nature and objectives of the *Palliyogam*, and the three kinds of *yogam* of the SMMAC are briefly but comprehensively discussed: "i) *palliyogam* (parish assembly or *tharakoottam*), ii) *pradesika yogam* (regional assembly or *nattukoottam*), and iii) *mahayogam/desiyayogam/sabhayogam* (general assembly or *pothukoottam*). *Palliyogam* - parish assembly was considered to be the basic unit of ecclesial communion. The heads of families and priests participated in this assembly" (2.1). By way of treating the CCEO c. 295 the author affirms, "The *yogam* is a canonical institute or an organ that assists the governance of the parish" (3.1).

Introduction

The purpose of the revision process of canon law of both the east and the west was to translate the teachings of the Second Vatican Council into juridical language. It was also the intention of the legislator to

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bring about tranquillity of order in the ecclesial life of the Christian faithful. Accordingly, a renewed ecclesiology, namely, communion of people of God as reflected in the three persons of the Most Holy Trinity assumed prime importance. At the same time the principle of subsidiarity was applied in church legislation. As a unified system the common code ensures a significant role at the national or regional levels in the *CIC* and *sui iuris* autonomous churches in the *CCEO*. Thus, right to enact the laws applying to the specific contexts shall be respected.

This particular legislation shall consider the culture, custom, tradition and the historical vicissitudes proper to the individual churches. Autonomy is granted to the respective legislative authorities. It is an approval of the Conciliar teaching concerning the preservation of the proper disciplines of the Eastern churches that are “guaranteed by ancient discipline and seem to be better suited to the customs of their faithful and to the good of their souls” (OE 5). Here is an attempt to make an appraisal of the ancient heritage, namely, *Palliyogam* of the church *sui iuris*, that is, Syro-Malabar Major Archiepiscopal church. It assumes special relevance now as it has elapsed two decades after the promulgation of the particular law of the *Palliyogam-Its Procedural Rules*. It was formulated by the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church and promulgated by Major Archbishop on 16 January 1998. It took force after the *vacatio legis* on 03 July 1998.¹

1. Syro-Malabar Church in Catholic Communion

The Syro-Malabar Church is a flourishing Church in the catholic communion. Saint Thomas, one of the apostles of Jesus Christ, is the founder and father of this church. The apostolic tradition of Saint Thomas is confirmed in the testimony of Christians of Malabar since ancient times.² Saint Paul VI proclaimed Saint Thomas as the Apostle of India in connection with the 1900th anniversary of the glorious martyrdom of the Saint Thomas in the year 1972. This is an

¹ Syro-Malabar Major Archiepiscopal Curia, Kochi, *Synodal News*, 6 (1998) 44-74.

² The origin and the historical vicissitudes of the Saint Thomas Christians cf. Eugene Tisserant, *Eastern Christianity in India: A History of the Syro-Malabar Church from earliest time to the Present day* (English translation by E R. Hambey, Calcutta), Bombay 1957; Louis Brown, *The Indian Christians of Saint Thomas*, Cambridge 1956 (Reprint 1982); Placid Podipara, *The Thomas Christians*, London-Bombay 1970; Benedict Vadakkekara, *Origin of Christianity: A Historiographical critique*, Delhi 2007.

autonomous church in India, governed by archdeacon of the whole of India, assisted by the general assembly (*Yogam*). The celebration of mysteries was reserved to Bishop.

This church preserved intact the orthodoxy of faith and transmitted it to the successive generations. From very ancient time the Malabar Church in India had developed its own system of administration. It was of course in harmony with the culture of the place. The administration was carried through the institution of *yogam* and the office of the archdeacon. The Saint Thomas community continued that system until the Latin missionaries began to be involved in the affairs of the Malabar Church in the 16th century. According to them the apostles, being twelve, made twelve different customs. Accordingly, the Malabar Christians held it legitimate to develop a suitable structure for the administration of their church in harmony with the cultural context of that church.³ The immemorial customs and practices of the community of Saint Thomas Christians attest to their ancient tradition.

1.1 The Identity of Saint Thomas Christians

The Saint Thomas Christians were those Christians who followed the East Syrian liturgy and maintained union with Rome since very ancient time. They may be considered as Church of Saint Thomas Christians, 'Christian in faith, Oriental in worship, and Indian in culture'. They maintained an identity of their own, proper to their traditions, customs, usages and a hierarchical discipline and communion indigenous to the Indian culture. They kept intact their faith as a golden treasure and handed it down to the posterity, from generation to generation, in spite of the trials and tribulations through historical vicissitudes.

It was in the year 1992 after the new Code of Canons of the Oriental Churches came into effect that Syro-Malabar Church was accorded the juridical status of Major Archiepiscopal Church. There are thirty-five ecclesiastical circumscriptions, out of which thirty-one are within the Indian territory. With the erection of the eparchy of Hosur and the eparchy of Shamshabad in the year 2017, Syro-Malabar jurisdiction embraces whole of India, entrusted to Major Archbishop of Ernakulam-Angamaly and to the Synod of Bishops of the Syro-

³ Sunny Kokkaravalayil, "Particular Law in CCEO and Catholicisation," *Eastern Legal Thought*, 11 (2015) 77.

Malabar Church according to the norms of CCEO⁴. Eparchies outside India are aggregated to this Church and their Bishops are members of the Synod of Bishops.

Tarijahes or *Tarutaykal*, meaning sons of the king is ascribed to the Christians of Saint Thomas. They are also known as *nazarani* which means in Arabic followers of *nazareno*, that is followers of Jesus, *nazarani mappilas* (noble Christians). Christians of Saint Thomas, Christians of Thomas, *suriyani* Christians, *siriani* Christians (*siriani* is used to distinguish them from Christians of Latin rite). Another word used to denote them is *kaldaya suriyanikal* (Syro-chaldeans), Chaldaic *malabarians*, Malabar⁵ Church. The term Syro-Malabar Church was first used by Pope Leo XIII in the decree of *Quod iampridem* in 1887 erecting two vicariates for the Saint Thomas Christians. The term connotes the Syriac language and the Syro-oriental Chaldean tradition.

1.2. Flourishing Church

The Thomas Christians are committed to develop a catholic oriental Indian theology based on the fundamental traditions for the Syro-Malabar Church (Syro-Oriental tradition), religious ethics and Indian spirituality. Though the Christians are a minority in India their mission consciousness is unparalleled in the whole of India and outside India. Values of Gospel and social doctrine of the Church have exercised a profound influence on the socio-political life of the land, especially Kerala, the south-western state of India. There is significant increase in the quality of spiritual life. The number of vocations to priesthood and consecrated life is far on the increase. Catechetical instruction and the formation to priesthood and religious life are praiseworthy. Apostolic initiatives in the field of evangelization is exerting far reaching influence in the secular society. Institutes for social services and charitable works are rendering splendid service to the people irrespective of caste, creed and colour.

To rediscover the identity especially the heritage of the Saint Thomas Christians, the Congregation for Catholic Education established the

⁴ Congregation for the Oriental Churches, *Oriente Cattolico*, V edition, vol. I, (Roma: 2017) 370. For a detailed study on the identity of this Church with a faith witness over centuries, the different stages of jurisdiction with a scope of a global jurisdiction, cf. James Puliurumpil, *Jurisdiction of the Syro-Malabar Church: A Historical Perspective*, Kottayam: OIRSI, 2018.

⁵ Malabar means land of hills. *Mala-bar* in Persian language and *mala-barr* in Arabic. Keralam is *cheralam*.

Pontifical Oriental Institute of Religious Studies India on 03 July 1982. The aims and objectives of this Oriental Institute are, to cultivate and promote through scientific research the patrimony of Christian wisdom of both east and west. Special emphasis is given to biblical and patristic traditions. Moreover, special reference to India and the heritage of the church of the St. Thomas Christians are of prime importance. The truths contained in the biblical, patristic, liturgical and spiritual traditions of the eastern ecclesiastical heritage are systematically enunciated to present them to the people of the present day, in a manner adapted to the local cultural context.⁶

2. The Origin and Development of the Concept of *Palliyogam*

The origin of *Palliyogam* is believed to be from two words, namely, *yog*, a Sanskrit verbal form, meaning unity, union, joining, junction or combination. *Palli* in *malayalam*, an indigenous language, means a place of worship. The Saint Thomas Christians shared a culture of the land, that is, the Hindu culture. In the Hindu culture among the Indo-Dravidians (AD. 1-5 centuries) *manram* was an ancient basic unit of social organisation. *Manram* a tamil word denotes a place of assembly, open space or long street. *Mannan* means the Lord or king. The elders of the tribes met together in the village to discuss, consult and decide on matters of common interest. It was an authoritative body. Leaders of all families or the elders participated in the meeting. This was known as *yogam* which was presided by the head of the tribe. All members except *mannan* were equal. The decisions taken in the *yogam* were binding to all. *Urar* and *uranmakar* were two castes or sects in Hinduism. Members of these sects constitute a *yogam* and were endowed with the responsibility to manage the affairs of temple. Priests or *santhikar* were inferior to *yogam*. In the seventh century Aryans emigrated to south India and they developed a system of governance popularly known as *brahmadeyam*. This system of administration was similar to *yogam*.⁷

⁶ *Statutes of the Paurastya Vidyapitham*, Pontifical Oriental Institute of Religious Studies India, (Kottayam: The Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church, 2006) 15-16, art. VII, 1, 2.

⁷ Andrews Thazhath, *The Law of Thomas*, (Kottayam: OIRSI, 1987) 41. The Dravidians a division in the Indian society inhabited the south India and the Aryans another division inhabited the north India

2.1 The Nature and Objectives of Ancient *Palliyogam*

There are three kinds of *Yogam* prevailed in the Syro-Malabar Church. They are: *palliyogam* (parish assembly or *tharakoottam*), *pradesika yogam* (regional assembly or *nattukoottam*), *mahayogam / desiyayogam / sabhayogam* (general assembly or *pothukoottam*). *Palliyogam* - parish assembly was considered to be the basic unit of ecclesial communion. The heads of families and priests participated in this assembly⁸. The direct participation of the people of God in the mission and governance of the Church was assured. It is a unique heritage of the Saint Thomas Christians. The laity, clergy, and religious were directly involved in the administration of the parish, each according to one's own condition, function and role. Priests and lay representatives of parishes of a given region constituted the regional assembly. They counsel together, deliberate, take decision or reach a consensus. General assembly is presided by the Metropolitan of All India. Bishops, priests, archdeacon, representatives of priests, religious and laity of all parishes participate in the general assembly.

Historical importance of *yogam* among the Saint Thomas Christians is significant. It was the *yogam* that decided to request Bishops from the East Syrian Church in Mesopotamia. The *yogam* decided who all were to be included in the delegation to go to Mesopotamia for this purpose. The famous travel of Mar Cariyattil and Paremackal Thomas Cathanar to Rome (1778) for the re-union of Jacobite non-catholic bishop Mar Thoma VI and the admission of candidates for seminary formation at *Propaganda Fide* in Rome, is another example. The *yogam* convened in Angamaly and Athirampuzha, to prepare for the historical revolt of the Thomas Christians against the foreign missionaries, known as *Coonan Cross* (1653), is spectacular.

The objectives of the *yogam* were: 1. Acquisition, administration and alienation of property; 2. Support of priests and Bishops; 3. Maintenance of deacons and seminarians; 4. Selection of candidates to priesthood and issue of testimonial letter or non-objection certificate (*desakury*); 5. Vigilance over the ecclesial, spiritual and temporal affairs of the church; 6. Imposition of penalties on the delinquents; 6.

⁸ According to the constitution of the Orthodox Syrian church to participate in the general body meeting of the representatives or *Palli Pratinidhi yogam* the delegate shall receive the sacrament of Reconciliation. It is the members of this general body who elect the administrators of the parish governance and the office-bearers of the Malankara Association.

Remission of penalties after a due penance; 7. Fixing a share for central administration of the Church; and finally, 8. Approval of the resolutions of parish *yogam* on grave matters.

Though the Saint Thomas Christians followed the East Syrian form of worship, they had a leadership more attuned to the culture of the land with archdeacon and the *yogam*. It was a permanent body similar to the assembly or *yogam* prevalent in the Hindu temples in Malabar. Saint Thomas Christians derived inspiration from Hindu culture. Those bodies enjoyed legislative, executive and judicial powers. The early Christians were converts from Hinduism, the involvement of laity in the ordinary administration is a unique characteristic of Malabar Church.

2.2 Christian Republic

Paulinus of St. Bartholomew, a Carmelite missionary in India gave a good testimony about the function of *palliyogam* as follows: "All Christians combine or unite themselves into a kind of Christian civil republic (state), and when there is a problem in one parish others come together to defend it. The parish priest and the elders judge and decide everything."⁹ *Yogam* was not strictly a democratic system but oligarchic, rule by a few. This few may be elders (gerontocracy), or rich people (plutocracy) or the nobles (aristocracy). *Yogam* may be considered as a case of gerontocracy coupled with aristocracy (elders and nobles / prominent people). It was neither purely democratic nor hierarchic.

The nature of *yogam* is well depicted by the Carmelite missionary, Father Boniface of Infant Jesus OCD in his report submitted to the Congregation for the Propagation of Faith in 1750. In that report he states that all churches, the Christians (of St. Thomas) deliberated on ecclesiastical matters in the *yogam*, which is composed of the clergy and the people, so that not only on financial administration for pious purposes, construction and repair of churches, etc. but also on promoting to the sacred orders, or absolving from censures, the people and clergy. They took counsel together, and the bishop did not promote the candidates to orders, nor absolve any one from the censures incurred, unless the petitioner brought a request of the

⁹ P. Bartholomeo, *Viaggio alle Indie Orientali*, (Rome: 1796) 136-139 in Xavier Koodapuzha, *Oriental Churches: Theological Dimensions*, (Kottayam: OIRSI, 1988) 74- 75.

people who assembled in the church and having heard the petitioner made the said request to the prelate.

In matters of importance they convoked and admitted to such *yogam* people of the neighbouring churches in order to take counsel with them and when the matter was most important, they called all the churches of the same kingdom or sometimes all the churches of the whole diocese.¹⁰ Everything that was pertinent to the ecclesial life of the whole community - religious, social and political- were discussed and appropriate decisions were taken in the general assembly.

2.3 Autonomy of *Yogam*

The assembly enjoyed an autonomy in deciding matters of their competence. The archdeacon, the *Jathikkukarthavian* (the one responsible for the community), played his part in the most conspicuous way. The General-Church-Assemblies were practically supreme, and *de facto* no higher ecclesiastical authority questioned their decisions. The Thomas Christians, formed a Christian Republic with a head from among themselves. Their bishops who were foreigners were more involved in spiritual matters only. Such was the juridical set-up that had developed among the Thomas Christians of the past. "Because of this 'autonomous state' and 'oneness' no foreign heresy or religious controversy had any impact on them, and they were quite content with their Archdeacons in preference to bishops from among themselves."¹¹ The *yogam* was truly a Christian republic. It means a system of government in which the elected representatives of the people reigned supreme with an elected head as for example, in US, France, India. There is an expression called banana republic¹² meaning politically and economically unstable government. The *yogam*

¹⁰ *Archivum de Propaganda Fide. CP. Vol. 109, f. 90* in Jacob Kollaparambil, *The Sources of the Syro-Malabar Law*, ed. Sunny Kokkaravalayil (Kottayam: OIRSI, 2015) 608.

¹¹ Placid Podipara, "Introduction," Paremakkal Thoma Cathanar, *The Varthamanappusthakam*, Travelogue (English Translation with notes by Placid Podipara, *Orientalia Christiana Analecta*, n. 190, Rome: PIO, 1971), in Andrews Thazhath, *The Law of Thomas*, (Kottayam: OIRSI, 1987) 2-4. The Law of Thomas is technically not a codified collection of laws. But the entire system and style of ecclesial life developed in the course of time by Saint Thomas Christians upon the foundation of gospel message or the Christ experience received from the Apostles.

¹² Banana republic means economically backward and caused to become poor depending on one crop only, that is, one crop banana.

of the Saint Thomas Christians was not such type. It was a stable and unprecedented system of government till the 16th century. "The administration of local churches was carried on by the assembly of the parishioners consisting of adult males and local priests. The senior priest was president, so to say, of the local priests (*desathupattakar*), and he arranged the services in the church. This system is still continued among the non-catholic Thomas Christians. The assembly spoken of above looked after the temporalities of the church, and also after the whole Christian life of the local community. This assembly decided cases of public scandal, inflicting punishments which sometimes amounted to excommunication. Those excommunicated were not admitted to the Sacraments, were not given the *pax* (kiss of peace) during sacred functions, were excluded from the church assembly, priests would not enter their houses to preside at *chatham*¹³ or other feasts.¹⁴

It was an expression of the ecclesial communion of the whole people of God according to one's condition and role in the church. The active role of laity in the administration of temporalities was respected. While bishop was the responsible for worship, the *yogam* or assembly with archdeacon was responsible for the leadership of the local community. It is the assembly of priests and heads of families, and/or elected representatives of the parish, constituted in accordance with the ancient tradition of the St. Thomas Christians of Kerala. It was as an expression of the communion of the people of God in the parish, to facilitate the administration of the parish through consultation, discussions and decision making on all matters affecting the life of the people. It assisted and collaborated with the parish priest in the exercise of his pastoral ministry. This ministry included spiritual, educational, cultural and financial matters of the parish.¹⁵

¹³ *Chatham* is the commemorative ritual prayer and meal presided by the parish priest at the residence of the deceased.

¹⁴ Placid J. Podipara, *The Thomas Christians*, (London-Bombay: Darton Longman & Todd; St. Paul Publications, 1970) 96.

¹⁵ K. T. Sebastian, "An Analysis of the Syro-Malabar *Palliyogam*," *Assissi Masika*, (Bharananganam, Kerala: Magazine of the Capuchins, August 1995) 21, in George Nedungatt, *Laity and Church Temporalities: Appraisal of a Tradition*, (Bangalore: Dharamaram Canonical Studies, 2000) 338.

3. Canonical Significance of *Palliyogam*

Though clergy and laity participate in the *yogam* their roles are different. As regards the power of governance CCEO c. 979 is clear:

§1. In accordance with the norm of law, those who have received sacred orders are capable of the power of governance, which exists in the Church by divine institution.

§2. Other members of the Christian faithful can cooperate in the exercise of the power of governance in accordance with the norm of law.

The clergy in the *yogam* exercise their power of governance on all matters pertaining to the governance of the church. The laity, however taking counsel together with the clergy co-operate in the exercise of the power of governance which the clergy possess.

We can compare the *yogam* with the various other kinds of organs for the church governance. The Councils and Synods of Bishops are the highest bodies for the church governance. In such bodies, the bishops of the church exercise their hierarchical communion and episcopal collegiality. The Church universal is an example where we have the Ecumenical Council and the Synod of Bishops in Rome. In the Oriental Churches also there are such juridical set up, namely, the Synod of Bishops for the Patriarchal or Major Archiepiscopal churches and the Council of Hierarchs for the Metropolitan Churches *sui iuris*. Through the functioning of these organs the governance of the Oriental Churches is by nature collegial or synodal. The decisions of the synods are juridically binding on all the members within the proper territory of the Church *sui iuris*.¹⁶

3.1 Genesis of Canon c. 295 in Code of Canons of the Eastern Code

The Guidelines for the revision of the Code of Canons of the Eastern Churches were formulated, and the Pontifical Commission for the Revision of Eastern canon law was published in 1974.¹⁷ One of the principles enshrined in the guidelines was pastoral character: "It concerned with the welfare of souls, imbued with the equity and charity within the church structure, and ensure that bishops and other pastors possess all the necessary authority to apply the provisions of

¹⁶ Jacob Kollaparambil, "The Institute of *Yogam* in the Oriental Churches," *Canonical Studies*, (Bombay: Canon Law Society of India 1996) 60.

¹⁷ *Nuntia* 3 (1976) 18-23.

canon law to their flock."¹⁸ The *yogam* is a canonical institute or an organ that assists the governance of the parish. It is a definite community of Christian faithful and the pastoral care of this community is entrusted to a parish priest (CCEO cc. 279, 280). The parish priest is, indeed, a presbyter having the care of souls and the principal co-operator of the eparchial bishop. He exercises his power under the authority of the bishop (CCEO cc. 281, 284).

The new juridical norm envisaged by canon 295 was absent in the previous eastern legislation. It is the result of a serious and stimulated discussion of the study group. The Study Group paid great attention to the related conciliar and post-conciliar documents, to the very precious and immemorial praxis of the Churches of Malabar, and to the Guidelines for the Revision of Oriental Code as they were formulated during the first Plenary Session of the members of the Commission. Among these guidelines we read: "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. "Indeed, with the exception of the *Malabarese, Malanakarese*, and may be some other Churches the introduction of the parish-councils, as wanted by the Vatican II, will be a new experience in which the legislative authority of the eparchial bishop and that of the Oriental Synods will play the greatest part."¹⁹

4. Ecclesial Communion

The communion ecclesiology of the Vatican II, and the ancient custom of the Syro-Malabar Church have played a vital role in the introduction of this canon in the promulgated text of the CCEO: "In theological and canonical perspectives, *yogam* is an institute or organ of the people of God in a given Christian community to participate in the life and governance of the church. It is one of the concrete effects and manifestations of the ecclesial communion among the Christian faithful. As such it is rooted in the communion ecclesiology."²⁰ In the light of the Conciliar teaching, the participation of laity was encouraged and promoted. "These councils will be able to serve the mutual coordination of associations and initiatives among lay people,

¹⁸ *Nuntia* 3 (1978) 20.

¹⁹ *Nuntia* 9 (1979) 76; *Nuntia* 3 (1976) 23, n. 4.; *Nuntia* 26 (1988) 110.

²⁰ Jacob Kollaparambil, "The Institute of Yogam in the Oriental Churches," *Canonical Studies*, (Bombay: Canon Law Society of India, 1996) 58.

while preserving the special character and autonomy of each (AA 26)."²¹

The system of *yogams* among the Saint Thomas Christians was a model when the Pontifical Council for the revision of the Oriental code of Canon law formulated the canons on triadic assemblies or the assemblies in three levels for all the Oriental Churches: 1. Church *sui iuris* level. This type of *yogam* is the highest assembly of a church *sui iuris*. Patriarch/Major Archbishop who is the father and head of the *sui iuris* church, all the bishops of the different eparchies, selected priests, religious and laity are members in this assembly. There is no similar assembly in the Latin Church. CCEO cc. 140-145, 172. 2. Eparchial level: Eparchial assembly is similar to the diocesan synod of the Latin Church (CIC cc. 460-468). The bishop, ex-officio members, elected and nominated priests, religious and laity participate in the eparchial assembly. The eparchial bishop convenes the assembly whenever there arises a genuine need with prior consultation of the Presbyteral council. CCEO cc. 235-242 govern the convocation and conduct of the eparchial assembly, and 3. Parochial level.

4.1 Parish Assembly

CCEO c. 295 deals with parish assembly stating that there are to be appropriate councils in the parish to deal with pastoral and economic matters according to the norms of the Particular law of the Church *sui iuris* church. This canon is similar to CIC c. 536 on the parish pastoral council in the Latin Church. There is a significant difference in that according to CIC parish pastoral councils may be established only if the bishop requires such after consulting the presbyteral council (CIC c. 536 §1). But CCEO considers it mandatory the nature and objectives of this council must be determined by the particular law formulated by Synod of all bishops of the Church *sui iuris*. It is noteworthy that already a decade before the promulgation of the CIC, The Sacred Congregation for Bishops foresaw the need of such parish council: "Representative spiritual leadership, efficiency in accomplishing pastoral goals, spiritual growth and renewal, as well as the utilization of sound administrative procedures are some values that indicate a

²¹ *Apostolicam Actuositatem* 26, Norman P. Tanner, *Decrees of Ecumenical Councils*, vol. II (London: Sheed and Ward Limited & Washington: Georgetown University Press, 1990) 997.

need for parish councils today."²² But that was not included in the newly revised Code of Canon Law of the Latin Church as mandatory. The ancient *yogam* or parish assembly of the Saint Thomas Christians was held in high esteem even by the foreign missionaries due to the active part played by the laity: "It is also praiseworthy to note that there was no clergy-laity polarization in the Syro-Malabar Church and that the administration of temporalities was considered to be a joint responsibility."²³

The parish assembly or *yogam* assumes special significance as there is the realization of the direct participation of the cross section of the people of God in the ministry and governance of the church. All the heads of the families and the priests in the parish assemble in the parish *yogam*: "They make counsel together, deliberate and make consensus or decision on all important matters pertaining to the ecclesial life and mission of the Christian community in the parish. All matters regarding the threefold *munus* of the church are discussed and decided upon in the *yogam*."²⁴

4.2 Purpose of Eparchial Assembly

The eparchial assembly closely resembles the Diocesan synod of the Latin Church. Main purpose of Eparchial assembly is that of a forum whose goals are to adapt the common law of the CCEO and the particular law of the autonomous church to its own specific circumstances, to address pastoral concerns and difficulties in the eparchy and propose appropriate norms, to stimulate and promote initiatives and activities on the part of the individuals and groups in eparchy, to address errors in doctrine or activities which might arise in the eparchy. The eparchial assembly provides the bishop with a forum to present his own proposals and serve as a centre from which pastoral

²² Sacred Congregation for Bishops, *Directory on the Pastoral Ministry of Bishops*, February 22, 1973 (English Translation, Washington: USCC 1974) 179, in *The Code of Canon Law: A Text and Commentary*, eds. James A. Coriden et al. (Bangalore: Indian edition, Theological Publications of India, 1986) 431.

²³ Joseph Thoompunkal, "Laws on Administration of Temporal Goods especially in the Syro-Malabar Church," *Eastern Legal Thought*, Annual of the Syro-Malabar Major Archiepiscopal Tribunal, 4 (2005) 93.

²⁴ Jacob Kollaparambil, "The Institute of *Yogam* in the Oriental Churches," 62.

initiatives can emanate to the entire eparchy.²⁵ It is a very good forum of the cross section of the people of God or the Christian faithful. They can exchange their views for the effective governance of the eparchy.

4.3 The Patriarchal/Major Archiepiscopal Assembly

The Patriarchal or Major Archiepiscopal assembly (CCEO cc. 140-145) cater to the common good of the people of God and reflects the application of a guiding principle for the revision process, namely, pastoral character. It is the right and obligation of the Christian faithful to foster growth of the Church and its sanctification and evangelization; to express needs of spiritual nature to pastors, express opinion on relevant matters to the pastors with due regard for competence, integrity of doctrinal and moral teachings of the church (CCEO cc. 13-15).

The statutes of the Major Archiepiscopal Assembly in its preamble underlies the importance of ancient *yogam* that influenced the codifiers of CCEO. The Major Archiepiscopal assembly of the Syro-Malabar Church is the gathering together of a representative cross-section of the same church. It integrates the spirit and dynamism of the ancient ecclesial institution of the Thomas Christians called *yogam*. The Yogam of the ancient community of Saint Thomas Christians is restored and updated in fidelity to the Church and in obedience to the legislation given by the Roman Pontiff to the Eastern Catholic Churches (CCEO cc. 140-145). The aim is to address the changed historical situation and to conform to the new hierarchical status of the Syro-Malabar Church.²⁶ In the tradition of the Syro-Malabar Church there was greater competence for the Patriarchal/Major Archiepiscopal assemblies for decision-making. What is envisaged in the statutes is only an updated form of ancient *yogam*. The assembly expresses communion of all categories of people according to their role in ecclesial life.

5. Communion of Churches *sui iuris*

The communion of different Churches *sui iuris* is to be fostered and promoted with view to the integral growth of the people in a region. The CCEO envisages in a separate title including one canon only on

²⁵ John D. Faris, *Eastern Catholic Churches: Constitution and Governance According to the Code of Canons of the Eastern Churches* (New York: Saint Maron Publications, 1992) 506-507.

²⁶ *Code of Particular Law of the Syro-Malabar Church*, 100.

the assemblies of several autonomous churches. The matters requiring unity of action among churches *sui iuris* present in a region are: 1. Relations with the state or other Christians (c. 904); 2. Problems connected with universities or other centres of study; 3. Problems connected with the press and the other media of social communication, especially if they are of major or national importance; and 4. The drawing up of catechetical programme on the national level; 5 erection and approval of associations of the faithful of a national or inter-ritual nature (575 §1, 3).²⁷ The Conciliar decree on Bishop's office stated clearly: "The prelates of the Eastern Churches should, for the more efficacious encouragement of works for the good of religion, also take into account the common good of the whole territory where many churches of different rites exist, by exchanging views in inter-ritual meetings, according to the norms to be determined by competent authority (CD 38)."²⁸ This inter ecclesial collaboration envisioned by the code shall be promoted by making use of the different structures of the churches. Pope Saint John Paul II insisted in his apostolic letter of January 6, 2001, *Nuovo millennio ineunte*²⁹ on such initiatives for the greater good of the churches. The Supreme Pontiff emphasised that communion must be cultivated and extended day by day and at every level in the structures of each Church's life. The relations between bishops, priests and deacons, between pastors and the entire people of God, between clergy and religious, between associations and ecclesial movements must all be clearly characterized by communion: "To this end, the structures of participation envisaged by Canon Law... must be ever more highly valued."³⁰ The inter-ecclesial collaboration to promote unity of action is a dire need of the day. The structures of participation in decision-making instil in the participants a sense of belonging to the Church.

²⁷ Marco Brogi, "Assemblies of Hierarchs of Several Churches *sui iuris* (c. 322)," in *A Guide to the Eastern Code*, ed. George Nedungatt, (Roma: PIO, *Kanonika*) 252. For an appraisal of a model assembly cf. George Madathikandathil, *The Catholic Bishops' Conference of India: An Inter- Ecclesial Assembly*, (Kottayam: OIRSI 1995) 108-167.

²⁸ *Decrees of the Ecumenical Councils*, ed., Norman P Tanner, vol. II, (London: Sheed and Ward Limited & Washington: Georgetown University Press, 1990) 937.

²⁹ AAS 93 (2001) 266-309.

³⁰ John Paul II, apostolic letter *Nuovo millennio ineunte*, (Vatican: Libreria Editrice Vaticana, 2001) 60-61 in Jobe Abbas, *Two Codes in Comparison*, third edition (Roma: PIO, *Kanonika* 07/2018) 321.

5.1 Harmony and Collaboration

The norms of *CCEO* discuss various aspects of this collaboration and implementation in different contexts: 1. Fostering unity of action in patriarchal territories (*CCEO* c. 84 §1); 2. Inter-ecclesial collaboration of bishops in the same territory (*CCEO* c. 202); 3. Assemblies of Hierarchs of various Churches *sui iuris* (*CCEO* c. 322 §1); 4. Erecting a major seminary to serve various Churches *sui iuris* (*CCEO* c. 332 §2); 5. Inter-ecclesial catechetical commission (*CCEO* c. 622 §1); 6. Deciding upon grave necessity for general absolution (*CCEO* c. 720 §3); 7. Inter-ecclesial consultation in laws for prenuptial enquiries (*CCEO* c. 784); 8. New diriment impediments and inter-ecclesial consultation; 9. Eastern Church's ecumenical Commission (*CCEO* c. 904 §2); 10. Inter-ecclesial common fees and offerings (*CCEO* c. 1013 §2); 11. Inter-ecclesial tribunals; and 12. Uniform penal laws (1405 §3).

The lay faithful through baptism are incorporated into the Mystical Body of Christ. Hence, they have the rights and obligations in the Church. In the changed circumstances they there are arguments that they are deprived of the rights they have enjoyed in the ancient Church of the Saint Thomas Christians. "The ancient *yogam* subsists today, albeit in a different format, at three levels and in various organs: first, at the parish level; secondly, in its *avatar* at the eparchial level; and thirdly, at the Church *sui iuris* level. At all these three levels there are various specialised organs and institutions, into which the ancient *yogam* has been transformed."³¹

6. Particular Law on *Palliyogam*

John Paul II while promulgating the *Code of Canons of the Eastern Churches* reminded the legislative authorities of the various Churches *sui iuris* to enact the proper laws of their churches expeditiously. He asked those responsible to attend to all of the things committed to the particular law of each of the churches *sui iuris*, which are not considered necessary for the common good of the eastern churches. "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

³¹ George Nedungatt, *Laity and Church Temporalities: Appraisal of a Tradition*, (Bangalore: Dharmaram Publications, 2000) 372.

particular norms, keeping in mind the traditions of their own rite as well as the teachings of the Second Vatican Council."³²

6.1 Principle of Subsidiarity

In allocation of the principle of subsidiarity the individuals or smaller groups should be allowed to perform whatever they can in their competence. This is a fundamental principle of social thought. This is also acceptable in the ecclesial life. It is expressed in the papal teachings. Pope Pius IX admonished in his encyclical that it is wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish. Similarly, it is an injustice, a grave evil and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies. "Of its very nature the true aim of all social activity should be to help individual members of the social body, but never to destroy or absorb them."³³

The same vision of the church was expressed by Pope Pius XII in the following words: "That which individual men can do on their own and with their own efforts, should not be taken away from them or deferred to the community."³⁴

The gist of the principle of subsidiarity and its proper application in ecclesiastical law was well presented by the renowned canonist who has been meritoriously involved in the work of revision process and promulgation of the *CCEO*, namely, Ivan Žužek: "This means that the superior legislative authority should not undertake what smaller and lower communities can do by themselves and by their own initiative."³⁵ The importance of this principle of is elucidated as follows: "More than a sociological principle subsidiarity is a theological and ecclesiological principle. The local customs, faith experience and the culture of the people exert great influence in the

³² Apostolic Constitution, *Sacri Canones*, 18 October 1990, AAS 83 (1990) 1038.

³³ Pius IX, Encyclical, May 15, 1931, *Quadragesimo anno*, AAS 23 (1931)203, in Ivan Žužek, "Particular law in the Code of Canons of the Eastern Churches", in Jose Chiramel and Kuriakose Bharanikulangara, eds, *The Code of Canons of the Eastern Churches: A Study and Interpretation*, (Alway: St. Thomas Academy for Research, 1992) 39.

³⁴ Pius XII, allocution, February 20, 1946, AAS 38 (1946) 144-145, in Ivan Žužek, "Particular Law," in Jose Chiramel, *Study and Interpretation*, 39.

³⁵ Ivan Žužek, "Particular Law," 39.

formulation and enactment of particular law which should be proper to a specific community adapted to their needs here and now and for the future.”³⁶

7. An Overview of Particular Law on Parish Assembly

The Particular laws concerning *Palliyogam - Procedure Rules* were promulgated on 16 January 1998³⁷ and came into effect on 03 July 1998. As an expression of the ecclesial communion of all Christian faithful, *palliyogam* belongs to the venerable patrimony of the Syro-Malabar Church. The Code of Canons of the Eastern Churches stated that there should be appropriate councils to deal with pastoral governance and financial administration of the parish. It was in the light of CCEO c. 295 that the Synod of Bishops of the Syro-Malabar Church exercising its legislative power, formulated the rules and regulations governing *Palliyogam*.

The main difference of the *yogam* from the similar bodies of the Latin church is that the *yogam* is not merely a consultative body. In *yogams* the clergy and hierarchy collaborate with the participants to make decisions or consensus. Ordinarily no vote is taken. The participants take counsel together, discuss, deliberate and come to a consensus or decision. Usually when a good part of the participants is for a programme, the others would agree. If a consensus could not be reached the *yogam* would be adjourned. The matter may be left to committee to iron out the differences. If in a reconvened meeting, the *yogam* cannot arrive at consensus, the matter will be referred to the eparchial bishop. If the lay participants are of one mind and the parish priest cannot agree to it, he may write a dissenting note and forward the resolution to the eparchial bishop for final decision.

The parish assembly is a significant structure in decision-making with the dignity of the laity recognised as a constitutive part of the Church: “The openness of CCEO towards lay people’s collaboration in the Church’s mission was an encouragement for the Malabar Church to

³⁶ Sunny Kokkaravalayil, “Further Possibilities for the Syro-Malabar Particular Law,” *Eastern Legal Thought*, 14 (2018) 101-105.

³⁷ *Synodal News*, 6, n. 1 (1998) 44-74; *Code of Particular Law of the Syro-Malabar Church* (Kochi: Syro-Malabar Major Archiepiscopal Curia, Mount Saint Thomas, Kochi, 2013) 108-134.

revitalise its age-old customs which demanded active lay participation in the administration of parishes and other areas of Church life."³⁸

In the present code the *yogams* of the eparchial level and the church *sui iuris* level are made consultative only. But this is not according to the immemorial tradition of the Church of St. Thomas Christians. Of course, there was a break of the tradition during the three centuries of rule by the Latin bishops. But according to *Orientalium Ecclesiarum*, this was an undue defection from the proper heritage of the church. Therefore, the church is duty bound to restore the ancient nature of the *sabha yogam*, the Major Archiepiscopal Assembly. Of course, the resolutions of the Major Archiepiscopal Assembly will obtain binding force, if confirmed by the Synod of Bishops."³⁹

7.1 The Salient Features of the Particular Law on Parish Assembly

The Particular norms governing the procedure rules and regulations of the *Palliyogam* were promulgated two decades ago and it assumes special importance today. It is divided into four parts: I. preliminary with two sections, that is, title and purpose, definitions of the terms; II Structure, Functions and Duties with three sections, namely, *palliyogam*, *potuyogam* and *pratinidhiyogam*; III. Procedure of conducting meetings; and IV. Pastoral and economic matters, with three sections, namely, *kaikkars*, administration of temporalities and general and transitory norms.

Palliyogam is defined as "the body constituted in the Syro-Malabar Major Archiepiscopal Church through tradition as a specific expression of the communion of the people of God in the parish, to advise and assist the parish priest, the president thereof, and to work in collaboration with him in exercising the pastoral ministry and administering the financial matters of the parish (n. 2.19)."⁴⁰

Pratinidhiyogam is defined as "a body consisting of those elected by the *Potuyogam* or by the heads of families in the ward/family unit meetings and others duly elected or nominated or posted ex officio as

³⁸ Sunny Kokkaravalayil, "The Syro-Malabar Church after the Promulgation of Code of Canons of the Eastern Churches," *Eastern Legal Thought*, 12 (Kochi: Annual of the Syro-Malabar Major Archiepiscopal Tribunal, 2016) 173.

³⁹ Jacob Kollaparambil, "The Institute of *Yogam* in the Oriental Churches," *Canonical Studies*, IX (Bombay: Canon Law Society of India, 1996) 62-63.

⁴⁰ *Code of Particular Law of the Syro-Malabar Church*, 111.

members and approved by the local hierarch as per eparchial statutes.”⁴¹ The members of the *pratinidhiyogam* are designated as per norms of law stipulated in Particular Law.

Potuyogam is defined as “a body of all the heads of families in the parish and members of the *Pratinidhiyogam* and others mentioned in Part II, no. 5 (1-8).”⁴² The following persons are not eligible to be members of both *potuyogam* as well as *pratinidhiyogam*: those who have publicly defected from faith and teachings of the Church; those who are under ecclesiastical censure; public sinners; those convicted of moral turpitude; those who defaulted annual paschal duties; those who are of unsound mind; willful defaulters of church laws; addicts to alcohol or other drugs. They are disqualified to attend the sessions of *yogam*.

As far as possible the decisions taken in the *potuyogam* as well as *pratinidhiyogam* shall be unanimous or at least by consensus.

7.2 Decision - Consultation - Consensus

Palliyogam is not simply an advisory body alone. It can deliberate on important matters affecting the parish generally and make decisions. Decisions of *yogam* in both the forum have force within its competence. It can pass resolutions. Parishioners have right to complaint, the priest, that is the president of *yogam* has the right of dissent and he can record it in the book of resolutions. The bishop or the local hierarch has the right of veto. The eparchial bishop enjoys discretionary powers as regards the modification or annulment of a resolution of *yogam*. He can even suspend the *yogam* for grave reasons and make alternate arrangements (art. 72). Bishop can adapt the rules to remove doubt or difficulty. But the adaptation shall be consistent with the purpose of the common rules of procedure of *yogam*. The reformed law shall be uniform and applicable to all parishes in the eparchy, eg. term of *pratinidhiyogam*, number of *Kaikkars*.⁴³

⁴¹ *Code Particular Law of the Syro-Malabar Church*, 112.

⁴² *Code of Particular Law of the Syro-Malabar Church*, 112.

⁴³ *Kaikkar* is a member of the parish elected by the *potuyogam* or *pratinidhiyogam* and confirmed and appointed by the local hierarch. He is a close collaborator of the parish priest in exercising pastoral ministry and conducting the economic matters of the parish.

7.3 Administrative Tribunal

The competence of an administrative tribunal has been foreseen in the Particular Law on *Palliyogam* in art. 71: "All disputes and complaints with regard to the conduct, proceedings, resolutions, decisions and actions taken or adopted by the *potuyogam* or *pratinidhiyogam* shall be preferred by the aggrieved before the administrative tribunal constituted by the eparchial bishop for such purpose, within seven days to the date of such *yogam*."⁴⁴ The tribunal is expected to dispose of the dispute or complaint within thirty days from the receipt of such complaints. A recourse may be made by the aggrieved party on the decision of the tribunal to the eparchial bishop within fifteen days of such decisions of the tribunal. The eparchial bishop, having weighed all circumstances shall dispose of the recourse as expeditiously as possible and his decision shall be final.⁴⁵

As regards the conferral of ecclesiastical offices if someone was promoted to an office, and later it was confirmed that he lacked the required qualities the promotion would be valid if it was not stated explicitly in law. However, in the Latin code there is provision that the promotion can be rescinded by a decree of the competent authority or by a sentence of the administrative tribunal (*CIC* c. 149). However, the Oriental Code is silent about administrative tribunal and adds that the removal of an ineligible incumbent can be done by a decree of a competent authority observing equity. (*CCEO* c. 940). The particular law of the Syro-Malabar Church has brought about the provision of administrative tribunal to settle the disputes regarding not only qualifications of members of *yogam* but any dispute on *yogam* regarding the procedure and resolutions of *yogam* as per norms of law.

Conclusion

The participatory role of the laity is either implicit or explicit in the rules and regulations of *yogam*. The communion and co-responsibility of the clerics, religious and laity are emphasised. The basic equality of the Christian faithful, each one according to his/her role and condition is respected. The active participation and collaboration of all in the decision/consensus making bodies of the Church, not losing each one's identity is commendable. *Yogam* at eparchial level and *sui iuris* level are made consultative only in *CCEO*. That was not the spirit of

⁴⁴ *Code of Particular Law of the Syro-Malabar Church*, 132.

⁴⁵ *Code of Particular Law of the Syro-Malabar Church*, 132.