

# **Malankara Catholic Church Church *sui iuris*: Juridical Status and Power of Governance**

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( This article was originally published in [www.malankara.net](http://www.malankara.net) and *Christian Orinet* in 1998 , prior to the elevation of the Malankara Catholic Church as a Major Archiepiscopal Church ( 10<sup>th</sup> Feb. 2005) . In a way this humble effort also might have contributed to this historic event in the ecclesial life of the Malankara Catholic Church)

1990 is an ever-memorable year in the history of the Oriental Catholic churches. For, His Holiness Pope John Paul II promulgated *The Code of Canons for the Oriental Churches (CCEO)* in this year. Says Prof. Ivan Žužek, the master brain behind the codification of the Eastern Canons, “By widening the horizon of every future canonist to the Canon Law of all the Churches *sui iuris*, that exist in the bosom of the Catholic Church, we promote a mentality really universal”.<sup>1</sup> The Canons of the oriental churches came in to force from the 1<sup>st</sup> of October 1991. And at present the oriental catholic churches are governed according to the norms of this code. Here is an attempt to think about the juridical status of the Malankara Catholic Church Church *sui iuris*.

## **1. Churches *sui iuris***

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<sup>1</sup>Žužek, p. 119

A church *sui iuris* is " a community of the Christian faithful, which is joined together by a hierarchy according to the norm of law and which is expressly or tacitly recognized as *sui iuris* by the supreme authority of the Church"(CCEO.27)<sup>2</sup>. The term '*sui iuris*' is an innovation of CCEO and it denotes the relative autonomy of the oriental Catholic Churches. This canonical term, pregnant with many juridical nuances, indicates the God-given mission of the Oriental Catholic Churches to keep up their patrimonial autonomous nature. And the autonomy of these churches is relative in the sense that it is under the supreme authority of the Roman Pontiff.<sup>3</sup>

According to CCEO the oriental catholic churches are of four categories:

#### **1.1.Patriarchal Churches:**

The patriarchal church is the full-grown form of an Oriental Catholic Church. It is a 'a community of the Christian faithful joined together by' a Patriarchal hierarchy. The Patriarch together with the synod of bishops has the legislative, judicial and administrative powers within jurisdictional territory of the patriarchal church, without prejudice to those powers reserved, in the common law to the Roman pontiff (CCEO 55-150). Among the catholic oriental churches the following churches are of patriarchal status: Maronite, Chaldian, Coptic, Syrian, Melchite, Armenian.

#### **1.2.Major Archiepiscopal Churches:**

Major archiepiscopal churches are the oriental churches, governed by the Major Archbishops being assisted by the respective synod of Bishops. These churches also have

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<sup>2</sup> For the English translation of the CCEO, the work consulted is George Nedungatt, *A Companion to the Eastern Code*.

<sup>3</sup> For a better understanding of the concept of church *sui iuris* see, Žužek, pp. 94-109. "Una Chiesa Orientale cattolica è una parte della Chiesa Universale che vive la fede in modo corrispondente ad una delle cinque grandi tradizioni orientali- Alessandrina, Antiochena, Costantinopolitina, Caldea, Armena- e che contiene o è almeno capace di contenere, come sue componenti minori, più comunità diocesane gerarchicamente riunite sotto la guida di un capo comune legittimamente eletto e in comunione con Roma, il quale con il proprio Sinodo costituisce la superiore istanza per tutti gli affari di carattere amministrativo, legislativo e giudiziario delle stesse Comunità, nell'ambito del diritto comune a tutte le Chiese, determinato nei Canoni sancti dai Concili Ecumenici o del Romano Pontefice, sempre preservando il diritto di quest'ultimo di intervenire nei singoli casi" pp. 103-104.

almost the same rights and obligations of Patriarchal Churches. "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* that is not distinguished with the patriarchal title. What is stated in common law concerning patriarchal Churches or patriarchs is understood to be applicable to major archiepiscopal Churches or major archbishops, unless the common law expressly provides otherwise or it is evident from the nature of the matter" (CCEO.151, 152). The Syro Malabar and the Ukrainian churches are the two Major Archiepiscopal churches in catholic communion.

### **1.3. Metropolitan Churches:**

The *sui iuris* church, which is governed by a Metropolitan, is called a Metropolitan church *sui iuris*. " A Metropolitan Church *sui iuris* is presided over by the Metropolitan of a determined see who has been appointed by the Roman Pontiff and is assisted by a council of hierarchs according to the norm of law" (CCEO. 155§1). The catholic Metropolitan churches are the following: Malankara, Ethiopian, Rumenian, Ruthenian

### **1.4. Other Churches *sui iuris*:**

Other than the above mentioned three forms of *sui iuris* churches there are some other *sui iuris* ecclesiastical communities. It is "a Church *sui iuris* which is neither patriarchal nor major archiepiscopal nor Metropolitan, and is entrusted to a hierarch who presides over it in accordance with the norm of common law and the particular law established by the Roman Pontiff" (CCEO. 174). The following oriental catholic churches are of this juridical status: Belorussian, Bulgarian, Greek, Hungarian, Italo-Albanian, Slovakian, Yugoslavian, Albanian, Russian.

Thus altogether there are 21 oriental *sui iuris* churches in catholic communion. And Malankara Catholic Church is one of the four Metropolitan *sui iuris* churches. In the following lines let us see an enumeration of hierarchical order and canonical competence of the Metropolitan church.

## 2.The Juridical Status of the Metropolitan Church: An Historical Overview

When the Christian church was recognized as the official religion of the Roman Empire the church adopted the organizational structure of the empire. The basic social unit in the empire was a province having a seat of government in a *metropolis*<sup>4</sup>. In primitive times Christianity was a religion of the cities. And the bishops of these cities exercised a prominent role in the church, due to the political and social importance of the cities. Eventually the title 'Metropolitan' was attributed to the bishops of the capital cities. And the juridical figure of the Metropolitan is retained in the church down through the centuries<sup>5</sup>. According to some authors the original and most ancient juridical form of the Church was that of Metropolitan Church. And the ecumenical councils Nicea I (325, cann. 4 and 5), Constantinople I (381, can. 2), Calcedonea (451, can. 19) have reference to the juridical form of the Metropolitan Church. But these juridical forms had a synodal structure. Later the synodal structure of the Metropolitan Church was substituted by the same structure of the Patriarchal Churches.<sup>6</sup>

The oriental code very clearly recognizes the juridical status of the existing Metropolitan churches. A Metropolitan church comes in to being through an act of the supreme authority of the church. Thus says the code, "It is solely up to the Supreme authority of the Church to erect, modify, and suppress Metropolitan Churches *sui iuris* as well as to define their territorial boundaries"(CCEO.155§ 2). In the present context the usage "erection of the Metropolitan church" can also mean that the existing ones are recognized with their present juridical status.

### 2.1 The Metropolitan and His Appointment

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<sup>4</sup> The latin word denotes principal city.

<sup>5</sup> See, Faris pp. 375-6

<sup>6</sup> See, Salachas, p. 198. See also Bar Hebraya, VII:3.

The Metropolitan is appointed by the Roman Pontiff as the head of the Church *sui iuris* and the hierarch of a determined see. The Metropolitan is bound by the obligation to request the pallium from the Roman Pontiff within three months from his episcopal ordination or, if he was already ordained bishop, from his enthronement. The pallium is a circular band with six black crosses and is worn on the top of the liturgical vestments.<sup>7</sup> It is a symbol of Metropolitan power and of the full communion of the Metropolitan Church *sui iuris* with the Roman Pontiff. Prior to the imposition of the pallium, the Metropolitan cannot convoke the council of hierarchs or ordain bishops (CCEO. 156 - § 1,2)<sup>8</sup>. The Metropolitan has the same rights and obligations of an eparchial bishop, in the eparchy entrusted to him.

## 2.1 .1 The Metropolitan See

Says the code, "The see of the Metropolitan Church *sui iuris* is in the principal city from which the Metropolitan who presides over that church takes his title" (CCEO.158§1). The office of the Metropolitan is attached to a specific see. The supreme authority of the church has the power to designate this see of the Metropolitan. In the case of the patriarchal churches the code very clearly mentions that the see of Patriarch cannot be transferred without a grave reason. And the consent of the synod of bishops of the patriarchal church and the assent of the Roman Pontiff is required for this transfer of the patriarchal see (CCEO.57§3). But with regard to the transfer of the Metropolitan see the code does not give any clear mention.

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<sup>7</sup> Nuntia 28, p. 44. Salachas , p. 199.

<sup>8</sup> In welcoming the newly elected Syrian Catholic Patriarch of Antioch, Ignace Moussa I, on 16 December 1998, Pope John Paul II set a precedent when he substituted the celebration of the Eucharist for the presentation of the pallium. Stressing the dignity of the patriarchal office, the Pope declared that "the Eucharist is by nature the symbol that best expresses full communion of which it is at the same time the inexhaustible source." This gesture will be repeated whenever a new Eastern Catholic patriarch first visits the Pontiff. Though it was in the case of welcoming a Patriarch this development is noteworthy. *Catholic Near East, Vol.25, No.2* (1999 March-April) p.5.

### **2.1.2 The Authority of a Metropolitan**

The superepiscopal power of the Metropolitan<sup>9</sup> over the christian faithful of the Metropolitan church is ordinary, proper and personal. The power of the Metropolitan is ordinary in the sense that it is joined to his office. The possession of this power takes place together with the reception of pallium. By the term 'proper' the code means that the Metropolitan can exercise his power in his own right, 'not vicariously as a representative of the Roman Pontiff or the bishops of the Metropolitan church'<sup>10</sup>. Moreover this power of the Metropolitan is personal in the sense that "it is attached to the person of the Metropolitan and cannot be entirely delegated"<sup>11</sup>.

### **2.1.3 The Competence of the Metropolitan**

As we have seen above a Metropolitan church is a community of christian faithful formed under a Metropolitan hierarchy. The Metropolitan presides over the Metropolitan church. The Metropolitan is competent to ordain and enthrone bishops of the same church within the time determined by law. He has the power to convoke the council of hierarchs<sup>12</sup> according to the norm of law, to prepare properly the topics to be discussed in it, to preside over it and to transfer, prorogue, suspend or dissolve it. He is competent to erect the Metropolitan tribunal. He has the canonical obligation to be vigilant that the faith and ecclesiastical discipline are accurately observed in the church. He can conduct the canonical visitation in eparchies, if the eparchial bishop has neglected to do so. He is competent to nominate the administrator of an eparchy in the case that an eparchy is vacant even after the time determined in the law for the election of the eparchial

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<sup>9</sup> See, Salachas, p. 197.

<sup>10</sup> See, Salachas, p. 197. See also Faris, p.379; Victor J. Pospishil, p. 153.

<sup>11</sup> See, Salachas, p. 197; See also Faris, p.379; Victor J. Pospishil, p. 153.

<sup>12</sup> It is a council consisting of all the bishops of the metropolitan church.

administrator (CCEO. 221, n. 4). If the eparchial bishop, though not prevented by a just impediment, has failed to nominate or confirm, within the time established by law, a person who has been lawfully proposed or elected to an office of the eparchy, the Metropolitan can do so and he is competent also to nominate the eparchial financial administrator, if the eparchial bishop, though warned, has neglected to make the nomination. The code also suggests that there should be mutual consultation and hearing among between the Metropolitan and the Bishops in face of certain extra-ordinary situations of difficulties. The Metropolitan has the obligation "to communicate the acts of the Roman Pontiff to the eparchial bishops and others concerned, unless the Apostolic See has directly provided for it, and to see to the faithful execution of the prescriptions contained in these acts" (CCEO.159 ns.1-8). This power of the Metropolitan over the whole church *sui iuris*, cannot be delegated to anyone else. The Metropolitan can validly exercise his power of governance within the territorial boundaries of the church *sui iuris*. And he acts in the person Metropolitan Church in all its juridical affairs. (CCEO.157). The oriental code suggests that the Metropolitan is to be commemorated after the Roman Pontiff by all the bishops and other clerics in the Divine Liturgy and in the Liturgy of the Hours, according to the prescriptions of the liturgical books. And the Metropolitan should commemorate the Roman Pontiff in the Divine Liturgy and in the Liturgy of the Hours as a sign of full communion with him, according to the prescriptions of the liturgical books; he should also see to it that this is done faithfully by all the bishops and the other clerics of the Church over which he presides. The Metropolitan, with the consent of the council of hierarchs can also perform those administrative acts, which are committed by common law to the high administrative authority of a Church *sui iuris* (CCEO. 157,159). "The Metropolitan is the superior administrative authority of the autonomous Metropolitan church and enjoys the rights attached to that position"<sup>13</sup>. But the consent of the council of hierarchs is always required for the execution of these administrative acts (CCEO.167§4). The Metropolitan has the immediate power over the clergy and faithful of

<sup>13</sup> Faris, p.391, See also Salachas, p.201.

the eparchy entrusted to him. The Metropolitan is in the role of an eparchial bishop in his own eparchy. He has only the mediate power over clergy and faithful of other eparchies of the Metropolitan church.<sup>14</sup>

#### **2.1.4 The vacancy of the Metropolitan See**

CCEO determines that during the vacancy of the Metropolitan see, the eparchial bishop senior according to episcopal ordination is to be the administrator of the Metropolitan church. And according to this law the titular and retired bishops cannot become the administrator of the Metropolitan church. . The administrator of the Metropolitan church has to notify the Roman Pontiff as soon as possible about the vacancy of the Metropolitan see. The administrator of the Metropolitan church has the ordinary power of the Metropolitan. But with regard to the matters, which require the consent of the council of hierarchs, he does not have this ordinary power. According to the norms of law the administrator is not supposed to make any innovation in the Metropolitan church during the vacancy of the see (CCEO.173§1-3).<sup>15</sup>

#### **2.2 The Council of Hierarchs**

The Metropolitan governs the church with the assistance of a council consisting of all the ordained Bishops of the Metropolitan church. This council is named with the canonical term 'council of hierarchs'. All the ordained bishops of the Metropolitan Church are by law itself the members of the council of hierarchs. And they have a grave a canonical obligation to attend the meetings of the council. If a bishop is prevented by a

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<sup>14</sup> See, Salachas, pp. 199-200.

<sup>15</sup> See, Victor J. Pospishil, p. 155.

just impediment, from attending the council meeting, he is to expose his reasons in writing, to the council of hierarchs. After the session of the council of hierarchs has begun, none of those who have to attend it may leave unless for a just reason approved by the president of the council. No member of the council can send a proxy (representative) for the council meeting. And no member can have several votes in the meeting. The Eparchial bishops and coadjutor bishops have deliberative vote in the council of hierarchs. Unless particular law requires a higher *quorum*, any session of the council of hierarchs is canonical and any given balloting is valid if the majority of the bishops who are obliged to attend, is present.

### **2.2.1. The Legislative power of the council of hierarchs**

The council of hierarchs can make laws and norms, without prejudice to the canons in which its power to make them is expressly treated, also in those cases in which common law remits the matter to the particular law of a Church *sui iuris*. The Metropolitan is to inform the Apostolic See as soon as possible of the laws and norms enacted by the council of hierarchs. Laws and norms cannot be validly promulgated before he has a written notification from the Apostolic See of the reception of the acts of the council. The Metropolitan is to inform the Apostolic See also of other proceedings (non legislative) of the council of hierarchs. The Metropolitan is to see to it that the laws of the council of hierarchs are promulgated and its decisions are published.

### **2.2.2. The Specific Role of the council of hierarchs**

For the appointment of the Metropolitan and of the bishops, the council of hierarchs is competent to compile for each case a list of at least three of the more suitable candidates. The council is to send the list to the Apostolic See, observing secrecy even

toward the candidates. The code also advises that in order to compile the above mentioned list, the members of the council of hierarchs, "can inquire of some presbyters or other Christian faithful who are outstanding in wisdom for their opinion about the needs of the Church and the special qualities of the candidate for episcopacy"(CCEO. 168).<sup>16</sup> The council of hierarchs is to take care to provide for the pastoral needs of Christian faithful. It has to take measures to promote the growth of faith, to foster common pastoral action, to regulate the mores, to preserve the respective rite and common ecclesiastical discipline. Here the code specifically determines that all these steps are to be taken in an opportune manner (CCEO.169).<sup>17</sup>

According to the norms of common law the council of hierarchs has to see to the following: provision for the support of the retired bishops (CCEO.211§1), preparation of a specific program of priestly formation (CCEO.330§1), establishment of a seminary for different eparchies of the *sui iuris* church (CCEO.334§1), norms for catechetical formation (CCEO.621§1), prohibition of certain means of social communication detrimental to faith and morals (CCEO.652§2), approval of liturgical texts (CCEO.657§1), preparation of a list of approved censors for books (CCEO.664§1), policy for the administration of sacraments for the non-catholics (CCEO.671§4), distribution of the eucharist by persons other than priests or deacons (CCEO.709§2), reservation of sins (CCEO.727), length of studies prior to the diaconate (CCEO.760§1), reception of a non-Catholic bishop in to catholic communion (CCEO.898§1.)<sup>18</sup>

### **2.2.3 The Time of Meetings and Statutes**

It is the prerogative of the Metropolitan to convoke the council of hierarchs. But it is to be convoked at least once a year. And in all special circumstances in which the consent or the consultation of the council is required according to the common law, it

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<sup>16</sup> See, Salachas, pp. 198-199.

<sup>17</sup> See, Salachas, pp. 200- 201.

<sup>18</sup> see Faris p.393. See also Victor J. Pospishil, pp. 154-155.

must be convoked (CCEO.170).The council of hierarchs, being distinct from its members is a juridic person. It therefore must have the statutes which precisely deals with its structure and plan of action. These statutes must concern the matters such as "secretariat, commissions and procedures to be employed by the council". The statutes can determine the locations of the sessions of the council. Regarding frequency of the meetings the statutes can make determinations within the time limit (once a year) established by the common law (see CCEO.170). They can determine a quorum for the canonicity of the council meeting. The statutes should also fix the norms for the appointment of the personnel of the secreteriate.

### **2.3 Metropolitan Assembly**

Metropolitan assembly is a consultative group of the entire Metropolitan church over which the Metropolitan presides and which assists the Metropolitan and the council of hierarchs (see CCEO.172) "in dealing with matters of major importance especially to suit the various kinds of apostolate and their methods as well as ecclesiastical discipline to the ever changing situations of the times, taking in to account the common good of the respective Church, as well as the common good of the entire territory where several Churches *sui iuris* co- exist"(CCEO. 140)<sup>19</sup>. The role of this assembly is to offer its opinion and counsel to the Metropolitan and the council of hierarchs of the Metropolitan church. From the above quoted canon we can conclude that the role of this assembly is essentially pastoral. Here the code very clearly states that this role is to be exercised in view of the entire region where several Churches *sui iuris* co-exist.

#### **2.3.1 The convocation and presidency**

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<sup>19</sup> Here the Code states that the metropolitan assembly should follow the same laws of the patriarchal assembly prescribed in the common law in CCEO. 140-145.

It is of the exclusive right of the Metropolitan to convoke the Metropolitan assembly. He can freely convoke and preside over the assembly once in five years as determined by the common law. But, for every extraordinary convocation of the assembly the consent of the council of hierarchs is required. Here it is noteworthy that when the council of hierarchs desires that the Metropolitan assembly be convoked the Metropolitan is free, but not obliged to do so.<sup>20</sup> The Metropolitan is empowered "to transfer the assembly to another location, to postpone or suspend it either for a definite or indefinite period or to dissolve it prior to its pre determined conclusion." When the Metropolitan see becomes vacant the assembly is suspended by the law itself. The Metropolitan is the president of the assembly sessions. But he can designate a vice president to represent him during the sessions.

### **2.3.2 The Members of the Assembly**

According to the norms of CCEO the following are the members of the Metropolitan assembly:

1. Eparchial bishops and other local hierarchs;
2. Titular bishops;
3. Presidents of monastic confederations, superiors general of institutes of consecrated life and superiors of monasteries *sui iuris*;
4. Rectors of Catholic universities and of ecclesiastical universities as well as deans of faculties of theology and canon law, which are located inside the territorial boundaries of the Church in which the assembly is held;(Here it is presumed that the above mentioned rectors and deans are members of the Metropolitan church.)
5. Rectors of major seminaries of the Metropolitan church -Here the code does not specify location of the major seminaries. That means even if the major seminary is out

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<sup>20</sup> Faris, p.344

side the territorial boundaries of Metropolitan church, its rector is a member of the Metropolitan assembly;

6. Each eparchy and exarchy is to be represented in the following manner:

- At least one parishpriest enrolled in the eparchy
- One representative of the religious communities
- Two lay persons. Here it is to be noted that the statutes of the assembly can provide for a larger lay representation.

Regarding participation of the faithful of the Metropolitan church, living outside the territorial boundaries of the church *sui iuris*, John D. Faris is of the following view. In order to create a truly representative assembly and not simply a regional assembly of the church *sui iuris* the concerns of the faithful outside the territorial boundary of the respective church must be taken in to consideration<sup>21</sup>. The code also suggests that the members of other churches *sui iuris* can also be invited for the sessions of the assembly. This participation includes the right to take part in the discussions also. And even the noncatholic representatives can be invited as observers of the assembly session. All the members of the church *sui iuris* who are invited have the canonical obligation to attend the sessions of the assembly. If they are detained by a just impediment, of which they are obliged to inform the Metropolitan; however, eparchial bishops can send a proxy.

### **2.3.3 The Frequency of the Assembly Meetings and statutes**

The Metropolitan assembly is to be convoked at least every five years. But the assembly can be convoked whenever the Metropolitan with the consent of the council of hierarchs deems it appropriate (CCEO.140). The code states that the Metropolitan

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<sup>21</sup> See Faris, p.343.

assembly must have its statutes that contain the necessary norms to attain the goals of the assembly (CCEO.145). They can determine frequency of the convocation of the assembly, the number and categories of participants and the organizational structure of the assembly. These statutes are to be approved by council of hierarchs of the Metropolitan church. CCEO gives only the basic principles regarding the functions and structures of the Metropolitan assembly. The code leaves to the assembly itself the responsibility of making elaborate statutes.

### **2.3.4 Participation and Agenda**

The lay participation in the Metropolitan assembly is based on the following rights and obligations of the christian faithful: the obligation to foster the growth of the church and its sanctification (CCEO.13); the right and obligation to foster evangelisation (CCEO.14); the right to express their needs to their pastors (CCEO.15§2); the right to express the opinion with due regard for the competence of the person and integrity of the doctrinal and moral teachings of the church (CCEO.15§3). Any member of the Metropolitan church can put forward suggestions to be discussed in the Metropolitan assembly. But the Metropolitan or the council of hierarchs fixes the agenda of the assembly. Once an agenda is fixed the Metropolitan should allow a free discussion on the issues connected with it. But the participants should take care to respect the church magisterium ( CCEO. 15§3) and fundamental rights of each person.<sup>22</sup> The Metropolitan is to control the sessions of the assembly and he has the power to suspend or even dissolve it (CCEO142 § 1).

## **3 The Metropolitan Juridical Status of the Malankara Catholic Church of India**

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<sup>22</sup> See, Faris, pp. 344-345.

On 11<sup>th</sup> June 1932, His Holiness Pope Pius XI established the Malankara Catholic Hierarchy by the papal bull *Christo Pastorum Principi*. This bull reads as follows, " We erect a new ecclesiastical province for the Malankara Syrians of Antiochian rite. And it is (comprised) of the Archdiocese of Trivandrum and the diocese of Tiruvalla"<sup>23</sup>. Thus the group of St. Thomas Christians of India, which reunited to the Catholic Church in 1930 under the leadership of Archbishop Geevarghese Mar Ivanios Panickerveetil, was established on a stable hierarchical basis, and became a Metropolitan Church *sui iuris* in Catholic Communion . The Malankara Catholic Archbishop of Trivandrum was endowed with the title, Archbishop-Metropolitan<sup>24</sup>. And this special reference is an explicit recognition of the Metropolitan status of the Malankara Catholic Church by the Supreme ecclesiastical authority. It is noteworthy that the Malankara Catholic Church is specially recognised in the presentation of the Italian version of oriental code, as a Metropolitan church of Antiochian tradition.<sup>25</sup>

### 3.1 An Historical Overview <sup>26</sup>

The St. Thomas Christians in Kerala traces their origin to St. Thomas, one of the twelve apostles of our Lord Jesus Christ. St. Thomas arrived at Kodungalloor, a port-city of Kerala in 52 AD. The Church Historians give enough evidence to state the existence of Indian Christian communities from the very first century of Christian era<sup>27</sup>. And the church in Kerala has been in catholic communion from the beginning itself. In 4<sup>th</sup> century it came closer to the Syro-Chaldean churches and accepted their liturgical patrimonies and traditions. Due to the missionary work of the Potughese, the Indian Church came in to contact with the western church in the 16<sup>th</sup> century. But owing to some of the policies of the Potughese missionaries, (latinisation of the indiginous liturgy and customs of the Indian church), a section of the Indian Christian community broke away from the

<sup>23</sup> *AAS*. XXIV , 1932, 290

<sup>24</sup> See, See, Placidius A.S. Ioseph, T.O. C. D., *De Fontibus.*, p. 11. See also, Mar Baselios, p.134

<sup>25</sup> See, George Nedungattu, *Presentazione*, p. 893

<sup>26</sup> For this historical part of this paper the author has chiefly depended on *The Malankara Catholic Directoy*,1999.

<sup>27</sup> See, Koodappuzha, 57- 116.

Portuguese ecclesiastical authorities (Coonan cross oath in 1653) and eventually got in to communion with the Jacobite Patriarchate of Antioch. Ever since that time attempts were being made to regain the original catholic communion, "which could be crowned with success only in the first half of this century. In 1926 the Episcopal Synod (Jacobite) held at Perumala, Kerala empowered Metropolitan Geevarghese Mar Ivanios to enter in to negotiations with Rome to effect a reunion with the Catholic Church, under the expressed condition that the ancient and venerable traditions of the Malankara Church should be retained and kept intact." The Holy Father Pope Pius XI graciously accepted the conditions and made preparations to receive the forerunners of the ecumenical movement in Kerala in to catholic communion. Accordingly on 20<sup>th</sup> September 1930 Archbishop Geevarghese Mar Ivanios of happy memory along with Bishop Jacob Mar Theophilos, Fr. John Kuzhimepurath OIC, Dn. Alexander (Fr. Seraphion Attupurath OIC) and Mr. Chacko Kilileth had reentered in to catholic communion. They made the profession of faith before His Excellency Rt. Rev. Maria Benziger the then Bishop of Quilon<sup>28</sup>. On the following day two Rembans, Rt. Joseph Pulikkottil and Rt. Rev. Philipose Cheppad made their profession of faith and were received in to the Syro-Malankara Catholic Church.<sup>29</sup>This was the sprouting up of another church *sui iuris* in the universal Catholic Church.

### **3.1.1 Metropolitan Archbishop Geevarghese Mar Ivanios**

In 1932 His Grace Mar Ivanios made his historic visit to Rome and His Holiness Pope Pius XII invested him with the Sacred Pallium. Says the present Holy Father John

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<sup>28</sup> Till the 16<sup>th</sup> century, whole community of the St. Thomas Christians of India was one single, apostolic Christian community in communion with the Apostolic See of Rome. But in 1653 due to the latinisation policies of the Portuguese missionaries a fraction of this community stood separately, in view of keeping intact their indigenous customs and liturgical patrimony, and eventually they got in to communion with the Jacobite Patriarchal See of Antioch. A series of efforts were done to re-establish the communion with the Catholic Church. But they did not bear any fruit at all. And the reunion event of 1930 was the realisation of the long cherished desire from the part of the aforesaid group of the St. Thomas Christians of India to be in communion with the Holy See of Rome. See, Mar Baselios, pp. 3-20. See also, *Malankara Catholic Directory*, p. 5.

<sup>29</sup> See also, *Malankara Catholic Directory*, p. 5.

Paul II, “But this century has been indelibly marked by the luminous figure of Archbishop Mar Ivanios, who found wisdom and sensitivity to the cause of Christian unity in my predecessor Pius XI, to whom he made an historic visit in 1932.”<sup>30</sup> The Metropolitan Eparchy of Trivandrum was inaugurated on 11<sup>th</sup> of May 1933 and His Grace Mar Ivanios was enthroned as its first Metropolitan Archbishop. The Eparchy of Tiruvalla was inaugurated on 6<sup>th</sup> of November 1933 and Most Rev. Jacob Mar Theophilos took charge as its first Bishop.

The reunion of Archbishop Mar Ivanios with the Catholic Church has been a historical event in the Universal Church, which inspired many of the Malankarites, including Bishops of the Orthodox Church. On 29<sup>th</sup> of November 1937, Most Rev. Joseph Mar Severios of the Orthodox Church reunited with the Catholic Church. In 1938 Mar Severios took the charge of the Bishop of Tiruvalla. Later, Most Rev. Thomas Mar Dioscoros, Metropolitan of the Knanaya Jacobite Church came in to Catholic Communion on 12<sup>th</sup> November 1939. After 4 years of peaceful Catholic Communion Mar Dioscoros passed away on 21<sup>st</sup> February 1943.

Archbishop Mar Ivanios organized and administered the Malankara Catholic Church for the following 22 years. By this time a large number of non-catholics entered in to catholic communion through the missionary work of the Malankarites. Several new parishes came into being in both the eparchies of the Malankara Catholic Church. Mar Ivanios paid great attention to the academic development of the Malankara Catholics. And several educational institutions have been started in view of the cultural and academic development of all the Malayalees, without any discrimination of cast and creed. Mar Ivanios College, Trivandrum is a shining example of his long-sighted outlook in the field of general education. Archbishop Mar Ivanios, being a great ecumenist could achieve the renowned title the 'Indian Newman' of the century. And after consecrating his successor Most Rev. Benedict Mar Gregorios on 29<sup>th</sup> January 1953, he passed away on

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<sup>30</sup> Pope John Paul II, “The discourse in Trivandrum”, *L'Osservatore Romano*, 1986, February 10.

15<sup>th</sup> of July in the same year, leaving behind magnificent monuments in the history of universal history of the Church.

### **3.1.2 Metropolitan Archbishop Benedict Mar Gregorios**

Most Rev. Benedict Mar Gregorios was enthroned as the Metropolitan Archbishop of Trivandrum and the Head of the Malankara Catholic Church on 27<sup>th</sup> January 1955. Under his guidance the Malankara Catholic Church had entered in to new stage of social progress. During this period, large number of Christian faithful from non-Catholic Malankara churches came in to communion with the Catholic Church. Many parishes, missions, convents, schools, hospitals and other institutions were started in different places within the territory.

On 18<sup>th</sup> January 1955, Most Rev. Joseph Mar Severios, the Bishop of Tiruvalla was called to the Eternal life. And His Excellency Most Rev. Zacharias Mar Athanasios took the charge of the Eparchy of Tiruvalla in the same year. One year later, Most Rev. Jacob Mar Theophilos passed away, on 27<sup>th</sup> June 1956.

His Excellency Most Rev. Paulos Mar Philexinos, the Metropolitan of the Malabar Independent Church was received in to the Malankara Catholic Church on 28<sup>th</sup> August 1977. He was appointed Titular Bishop of Chayal. Most Rev. Zacharias Mar Athanasios, the Bishop of Tiruvalla passed away on 28<sup>th</sup> September 1977.

The Malankara Catholic Church extended its missionary work to the northern side of Kerala. Due to the zealous missionary work of the Malankarites new mission centers and parishes were started in this region. And the Eparchy of Bathery was erected for the Malankara Catholics of Malabar (north Kerala) region on 28<sup>th</sup> October 1978. Most Rev. Cyril Mar Baselios was appointed the first Bishop of the Eparchy of Bathery. The Eparchy of Bathery was created by separating the Civil districts of Malappuram, Kozhikkode and Kannoor of Kerala, and Nilgiris of Tamilnadu and Coorg, Mysore, Mandya, Hassan, South Kanara, Chickamangalur and Shimoga of Karnataka from the

Eparchy of Tiruvalla. Another significant development in this period was the establishment mission centers for Malankara Catholics in different parts of India and in the United States of America.

In 1978 Most Rev. Isaac Mar Youhanon was enthroned as the Bishop of Tiruvalla.

The Golden Jubilee of the Reunion Movement of the Malankara Catholic Church was celebrated at Kottayam, Kerala on 26, 27 and 28<sup>th</sup> of December 1980. His Eminence Wladislav Cardinal Rubin, the Prefect of the Congregation for the Oriental Churches was the Papal Delegate for the Jubilee. Other eminent participants included His Beatitude Maximos V. Hakim, the Patriarch of Antioch and all the East of Alexandria and Jerusalem, His Excellency Most Rev. Luciano Storero, the Apostolic Pro-Nuncio to India and Mother Teresa of Calcutta.

His Excellency Most Rev. Lawrence Mar Ephraem was appointed , Auxiliary to the Metropolitan Archbishop of Trivandrum and the Titular Bishop of Barkuso on 6<sup>th</sup> November 1980 and was consecrated on 27<sup>th</sup> December 1980 at Kottayam during the Golden Jubilee celebration of the Reunion Movement.

A long cherished need for a Major Seminary for the Malankara Catholic Church was fulfilled when St. Mary's Malankara Major Seminary was inaugurated at Pattom, Trivandrum on 29<sup>th</sup> June 1983. At present the Malankara Major Seminary offers both philosophical and theological formation to more than 200 students from various dioceses of Kerala.

The Golden jubilee of the establishment of the Eparchy of Tiruvalla was celebrated in January 1984 at St. John's Cathedral, Tiruvalla.

His Holiness Pope John Paul II enriched the Malankara Catholic Church with his historic visit to St. Mary's cathedral, Trivandrum on 8<sup>th</sup> February 1986. The Holy Father in his speech in Trivandrum praised the forerunners of the ecumenical movement in Kerala and expressed his high appreciation for the missionary endeavours and witness of the Malankara Catholic Church. Thus goes the words of the Holy Father, "And today I

have been given the grace to visit you personally. Today I wish to encourage you personally in your faith, in your fidelity to your ancient traditions, in your sincere efforts to promote fraternal relations with your brothers and sisters of the Jacobite and Orthodox Churches and other ecclesial communions. May your aspiration be that the time will soon come when prayer of our Lord for perfect unity among all his disciples will be realised (cf. Jn. 17,21), so that the Church in every place and in every age may shine forth as “a people made one with the unity of the Father, the Son and the Holy Spirit.”<sup>31</sup>

His Excellency Most Rev. Isaac Mar Youhanon passed away on 28<sup>th</sup> April 1987.

His Eminence Cardinal Lourdasamy, the Prefect of the Congregation for the Oriental Churches visited the Malankara Catholic Church on 18<sup>th</sup> and 19<sup>th</sup> of August 1987. The consecration of the present Bishop of the Eparchy of Tiruvalla, Most Rev. Geevarghese Mar Timotheos took place on 6<sup>th</sup> August 1988. The new building of the Malankara Major Seminary at Nalanchira, Trivandrum was blessed on 25<sup>th</sup> May 1989.<sup>32</sup>

After 41 years of devoted service, Archbishop Benedict Mar Gregorios passed away on 10<sup>th</sup> October 1994. That great Gregorian leadership still inspires the Malankara Catholics for a real Christian life of social commitment. And Most Rev. Cyril Mar Baselios, the then Bishop of Bathery became the Apostolic Administrator of the Malankara Catholic Church.

### **3.1.3 Metropolitan Archbishop Cyril Mar Baselios**

His Grace Most Rev. Cyril Mar Baselios was appointed the Metropolitan Archbishop of Trivandrum and the head of the Malankara Catholic Church, and it was

<sup>31</sup> Pope John Paul II, “The discourse in Trivandrum”, *L'Osservatore Romano*, 1986, February 10.

<sup>32</sup> In fact when the Malankara Major Seminary was inaugurated in 1983; it started functioning temporarily in building of St. Aloysius Minor Seminary, Trivandrum. And for convenience sake the Minor Seminary students of the Metropolitan Eparchy of Trivandrum were accommodated in the Archbishop's House and Pastoral Centre, Trivandrum till 1989.

publicly announced on 29<sup>th</sup> November 1995. His Grace's enthronement took place on 14<sup>th</sup> December 1995. Metropolitan Archbishop Mar Baselios, being an eminent canonist and a well-known theologian, guides the Church with his unique vision formed out of a socio-ecclesiological framework. On His request His Holiness Pope John Paul II erected the new eparchy of Marthandom, the fourth Malankara Catholic Eparchy, in Kanyakumari District of Tamilnadu State, by an apostolic bull dated 16<sup>th</sup> December 1996. Most Rev. Lawrence Mar Ephraem was appointed the first bishop of Marthandom. The eparchy of Marthandom is developing very fast and it shines in the history of Indian Church as a magnificent fruit of the zealous Malankara catholic mission work in South India. His Eminence Achille Cardinal Sylvestrini, the Prefect of the Congregation for the Oriental Churches, visited Malankara Catholic Church on 11,12 and 13<sup>th</sup> of February 1996. His Excellency Most Rev. Geevarghese Mar Divannasios was enthroned as the second Bishop of Bathery on 5<sup>th</sup> February 1997. Unfortunately after a prolonged illness His Excellency Most Rev. Lawrence Mar Ephraem, the first Bishop of Mathandom, slept in the Lord on 8<sup>th</sup> April 1997. The Consecration and enthronement of His Excellency Most Rev. Youhanon Mar Chrysostom as the Bishop of Marthandam took place respectively on 29<sup>th</sup> June and 1<sup>st</sup> July 1998. His Excellency Most Rev. Joshua Mar Ignathios was appointed Auxiliary to the Metropolitan Archbishop of Trivandrum and the Titular Bishop of Nigizubitanam on 15<sup>th</sup> April 1998. His Excellency's consecration took place on 29<sup>th</sup> June 1998 at Mar Ivanios College Stadium, Trivandrum. His Excellency Most Rev. Paulos Mar Philexinos, the Episcopal Vicar of the Metropolitan Eparchy of Trivandrum passed away on 2<sup>nd</sup> November 1998.

Another major development during this period was the coordination of the Malankara Catholic missions in extra-jurisdictional regions. These mission centers were organized under three co-ordinators in India, United States of America and Germany. And it is noteworthy that in March 1997 His Holiness Pope John Paul II approved the statutes

of the Malankara Catholic council of hierarchs with the title Malankara Catholic Bishops Council (MCBC). At present the council is working with different commissions.

The increased lay participation in the life and governance of the Malankara Catholic Church is yet another development during this period. The Malankara Catholic Association (MCA) is a wonderful example of this lay participation. The Malankara Catholic youth were also organised on National level under the auspices of Malankara Catholic Youth Movement (MCYM). We can also witness a real progress in the thought pattern of the Malankara Catholics. Several books and periodicals are published in the field of theology, church history, liturgy, social commitment etc. These periodicals and publications are heartily welcomed by almost every Malankara Catholic family. The periodicals could encourage the socio-political discussions related with the ecclesial life. Thus we can see in the history of the Malankara Catholic Church a steady process of fast progress under the guidance of Divine Providence.

At present the Malankara Catholic Church has a strength of around 400,000 catholic faithful in 866 parishes and mission stations of one Metropolitan Eparchy and three Eparchies. And a good number of malankara catholics are settled in the United States of America and European countries like Germany.<sup>33</sup>

### **3.2 The Jurisdictional Tradition of the Malankara Catholic Church**

In fact the jurisdictional tradition of the Malankara Catholic Church, prior to its regaining the communion with the Catholic Church was that of Catholicate. The letter of appointment of the first Catholicos for the Malankara Church by the Jacobite Patriarch of

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<sup>33</sup> See, Malankara Catholic Directory, 1999.

Antioch clearly explains the juridical power of the Malankara Catholicos, "... By the grace of God, according to your requests, we have enthroned a 'Maphrian' (Catholicos) under the name of Paulos Mar Baselios and consecrated new Bishops Mar Geevarghese Gregorios, Mar Jovachim Ivanios and Mar Gregorios Philexinos. We realised that if we did not nominate a Maphrian for the Malankara Church, our Church in Malabar would not persevere in her pristine purity and holiness. But now we understand that it would for ever, by the power of our Lord, persevere in them and be stabilised more than before in communion of charity with the Antiochene Church, We obtained the happiness of our heart .....Your Catholicos and Metropolitans who are your pastors will, we hope, satisfy your requirements; With the assistance of Metropolitans, the Catholicos will consecrate according to the canons of the holy Fathers, Metropolitans and holy Chrism for you. After the death of the Catholicos, your Metropolitans have the right and authority to enthrone a Catholicos in his place. Nobody has the right to prevent them from doing it..... Given from the seminary of Perumala, 8 Kumbham 1913.”<sup>34</sup> Ricciotti also speaks about the ancient “Catholicate” with the following words, “Sometimes this dignity (of Catholicos) was already instituted in the 6<sup>th</sup> century. But for certain by the 7<sup>th</sup> century we can find it (the ecclesiastical authority of the Catholicos among the Jacobites) in function and having residence in Tagrit.”<sup>35</sup> The great Canonist of the West Syrian Church states that the authority of the Catholicos is a that of a supermetropolitan nature<sup>36</sup>.

### 3.3 Inadequacy of the Present Juridical Status

Various authors argue that, it is time to rethink about the adequacy of the present juridical status of the Malankara Catholic Church, which has a an ancient tradition of "the

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<sup>34</sup> The English translation of this Syriac letter is quoted in Mar Baselios, p. 69. A Malayalam translation of this letter is to be found in Thomas Inchakalody, p. 120. Fr. Placid also gives a clear account of the juridical figure of the Catholicos. See Placidius, *Fontes Juris.*, p. 41-46.

<sup>35</sup> Ricciotti, quoted in Malancharuvil, p. 68.

<sup>36</sup> See, Bar Hebraya, VII:3

Holy Synod of the Catholicate which consecrates Bishops and Metropolitans, performs all the patriarchal functions and exercises patriarchal powers.”<sup>37</sup>

Therefore we can conclude that the Malankara jurisdictional tradition is that of the Catholicos who governs the whole Malankara church with the assistance of the synod of Metropolitans. In the juridical figure of the Catholicos, the head of the Malankara Church is to exercise all the Patriarchal powers.

#### **4. Conclusion**

The Metropolitan church *sui iuris* is a church *sui iuris* which is presided over by a single Metropolitan, who is assisted by the council of Hierarchs. But this council has only a very restricted authority in comparison with the Synod of Bishops of the Patriarchal Church. It does not share the superior instance authority with the Metropolitan. Its mode of functioning is more or less like that of an episcopal conference. The Metropolitan can perform the administrative acts in the name of the church *sui iuris* with the consent of the council of hierarchs. The Metropolitan is the head the church *sui iuris*, but his power is not supreme. He does not have the universal authority too, because his authority is restricted to a prescribed territory. He has the mediate power over the faithful of the eparchies other than his own.

The Metropolitan juridical status with its limited power of governance is incompatible with the jurisdictional history of the Malankara Catholic Church, which had an ancient tradition of a quasi Patriarchal jurisdiction.

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<sup>37</sup>See, Mar Ivanios, *The First Memorandum sent to Rome, in 1926*, quoted in Mar Baselios, p. 155-156. Mar Baselios gives a very clear and significant history of the jurisdiction of the Malankara Catholic Church and he argues that the present Malnkara Catholic juridical status is insufficient and unjustifiable when the history of the sui iuris church is taken into consideration. See, Mar Baselios, pp. 33-98. See also, Sylvester Kanjiramukalil, pp. 128-131; Issac Thottumkal , pp. 205-216; Victor J. Pospishil, p.13.

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