

## The Catholic Syro-Malankara Church: Some Reflections on Its Canonical Status Past and Future

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### Abstract

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Knowledge of the Eastern Catholic Churches is generally very low, and the Syro-Malankara Church is particularly recondite to most. The author provides a very detailed exposition of the nature and structure of this Church *sui iuris* which enjoys communion with the See of Rome and therefore the other twenty-two constituent members of the Catholic Church. The author gives a detailed history of this Church's activities on the Indian Sub-Continent, including its entrance into Catholic communion, before concentrating on the canonical forms – and revisions needed thereto – of the structure of the Syro-Malankara Church in light of the 1990 *Code of Canons of the Eastern Churches*. The author concludes with an appeal for the status of this Church to be set aright in light of Eastern tradition, with the head of the Church being recognized as *pater et caput* based on the model of a major-archiepiscopal Church with its own autonomy, synodical government, and *Catholicos*. Such a move would strengthen the Church internally and also assist her external ecumenical witness.



### *Introduction*

It is not well known that the Catholic Church is not a monolith but, in fact, a communion of twenty-three autonomous Churches (*ecclesiae sui iuris*), 22 of which are indebted

to oriental traditions: Alexandrian, Armenian, Byzantine, Syro-Antiochene, Syro-Oriental (Chaldean).<sup>1</sup>

This language of autonomous churches is given special treatment in the 1990 *Code of Canons of the Eastern Churches* (hereafter: CCEO), which does not speak of “rites”<sup>2</sup> alone or “particular Churches,”<sup>3</sup> as was once the case in the past, but uses the language of “Churches *sui iuris*”<sup>4</sup> to emphasize the particular, peculiar, individual character of each Church. Of course not all these Churches are of equal rank. The “full form” of a Church *sui iuris* is a property alone of the *patriarchal Churches* and – with certain limitations – the *Major Archepiscopal Churches (Ecclesiae Archiepiscopales Maiores)*.<sup>5</sup> We are concerned here with one such Church, the Syro-Malankara Catholic Church, whose history, canonical forms, and future needs, all little known in the West, we will now analyze.

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<sup>1</sup> See *Annuario Pontificio* (Vatican City, 2001), 979. The twenty-third Church and liturgical tradition is of course the Latin.

<sup>2</sup> CCEO, canon 28: “A rite is a liturgical, theological, spiritual and disciplinary heritage, differentiated by the culture and circumstances of the history of peoples, which is expressed in each Church *sui iuris* in its own manner of living the faith. The rites dealt with in this Code, unless it is established otherwise, are those which arose from the Alexandrian, Antiochene, Armenian, Chaldean and Constantinopolitan traditions.”

<sup>3</sup> The Decree *Orientalium Ecclesiarum* of Vatican II used this term to designate the Churches of Eastern tradition. However, since the term “*ecclesia particularis*” has been reserved by the 1983 *Code of Canon Law* (hereafter: CIC) of the Latin Church to designate a diocese, a territorial prelate, an apostolic vicariate, an apostolic prefecture, or a permanently established apostolic administration (CIC c. 368), the CCEO also uses it exclusively to designate an eparchy (CCEO c. 177).

<sup>4</sup> In the English canonical literature, this term is often rendered as “autonomous Churches.”

<sup>5</sup> Thus, for example, the archbishop major, prior to executing his ministry as *pater et caput* of his Church, must petition the *confirmation* of his election by the Roman Pontiff (c. 153, §.2) while the newly elected patriarch, after his canonical election by a synod of bishops, simply requests *ecclesiastical communion* with the Roman Pontiff by means of a letter signed in his own hand (c. 76 §2). On granting the ecclesiastical communion, see *Bollettino della Sala Stampa della Sante Sede* of 9 December 2000 and 24 February 2001. Within the communion of Catholic Churches only the Ukrainian Church (Byzantine tradition) and the Syro-Malabar Church (Syro-oriental tradition) have the status of major archiepiscopal Churches.

### *The Status of the Syro-Malankara Church*

The Syro-Malankara Church<sup>6</sup> has been in communion with the See of Rome only since 1930. She is the youngest Catholic Church of oriental tradition and possesses the rank of a *Metropolitan Church*.<sup>7</sup> This means that she is directed by a metropolitan in communion with the bishops of the actually existing suffragan eparchies. In the oriental understanding, a metropolitan – unlike a patriarch – is *not* the father and head (*pater et caput*) of a Church *sui iuris* because the metropolitan does not preside over a synod of bishops.

All the bishops of the metropolia constitute a council of hierarchs under the leadership of the metropolitan (c. 159 § 2).<sup>8</sup> The duties of the council of hierarchs can be compared to those of national or regional episcopal conferences of the Roman Catholic Church. Although c. 167 § 1 gives the council the right to make laws and norms, and legislate in those cases in which common law remits the matter to the particular law of a Church *sui iuris*, the metropolitan is obliged to notify as soon as possible the Roman See about the laws and norms enacted by the council. These laws and norms may not be validly promulgated before the metropolitan has written notification from Rome of the reception of the acts of the council (c. 167 § 2). In other words, the rights of the council of hierarchs are largely limited in favour of the Roman Pontiff and the offices of his curia, mainly the Congregation for the Oriental Churches. The council of hierarchs is competent to elect neither a new metropolitan if the see is vacant nor other bishops; it also lacks any right to establish new eparchies by itself. The metropolitan is *appointed* by the Pope and must

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<sup>6</sup> According to the definition given in note 3 above, the Syro-Malankara Church is a Church *sui iuris* of Antiochene tradition.

<sup>7</sup> This is also the hierarchical rank of the Ethiopian-Eritrean Church (Alexandrian tradition), the Romanian Church (Byzantine tradition), and the Ruthenian-Byzantine Church of the Metropolia of Pittsburgh.

<sup>8</sup> As the council of hierarchs is more or less merely a *consultative* body, ordained bishops of another church *sui iuris* can be invited to participate in the council – if a majority of the members of the council approve – but only as guests, i.e., observers without even a consultative vote.