

The Code of Particular Canons of the Syro-Malankara Catholic Church

Codification and Juridical Significance

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SUMMARY: Introduction; 1. Brief History of the Syro-Malankara Catholic Church; 2. Promulgation of the Particular Law; 3. Brief Description of the Codification Process; 4. Guidelines of the Codification; 5. Structure and Content of the Codification; 6. An Appraisal; Conclusion.

Introduction

The Post-Vatican years have been particularly significant for the various efforts made at different levels to renew the life of the Church, especially in terms of its God-given mission. Regarding the Eastern Catholic Churches, one of their immediate concerns was the need for the codification of a Common Code to coordinate and regulate their life and ministry. Thus, after a long period of formal preparation, through the Pontifical Commission for the Revision of Code of Eastern Canon Law, a common Code of Canons of the Eastern Churches was promulgated on 18 October 1990.

From that stage onwards the Eastern Catholic Churches were expected to enter into a new phase of their growth as autonomous churches (*ecclesia sui iuris*) in all respects. It is the duty of each *sui iuris* Church to codify the particular laws. In formulating such laws, one should keep in mind that they should be *ad normam iuris*, always in accordance with the common Code and not contrary to it.

The Second Vatican Council's decree on Eastern Catholic Churches (*Orientalium Ecclesiarum*) solemnly declared that the Eastern Churches have the full right and obligation to govern themselves, each in accordance with its own special discipline, seeing that these are all recommended by venerable antiquity and are better suited to the customs of their faithful and to the good of souls (no. 5). Along with the venerable antiquity, the particular historical situation in which the faithful of these churches live and the diversity of juridical disciplines necessitate the provision of particular legislation.

CCEO 1493 §2 states that “in the designation ‘particular law’ are all laws, customs, statutes and other norms of law which are neither common to the universal Church nor to all the eastern Churches”. CCEO has left sufficient room for particular laws. Further, in view of particular laws, even some of the areas where juridical norms existed in the previous legislation are omitted or suppressed in the CCEO. The Syro-Malankara Catholic Church, therefore, as an autonomous Church in the Catholic communion is to be governed by this new Code and also according to the legal provisions contained therein.

Based on the aforementioned grounds, the Syro-Malankara Catholic Church identified its own existing laws, customs, and practices in order to coordinate its life and activities in its various eparchies, exarchates and in the entire Catholic communion. The Code of Particular Canons of the Syro-Malankara Catholic Church is the result of this ecclesial vision and mission.

1. Brief History of the Syro-Malankara Catholic Church

The Syro-Malankara Catholic Major Archiepiscopal Church is a Church *sui iuris* in the Catholic communion, originating in India. It traces its Apostolic origin back to St. Thomas, the apostle of Jesus Christ, in the first century itself. In the sixteenth century, this Apostol-

ic Church came into direct contact with the Western Church through the Portuguese missionaries. The Portuguese extended the *Padroado* agreement in their evangelization programme over India and wanted to bring the Indian Church of St. Thomas Christians under this jurisdiction. The Church in India which was rooted in the socio-cultural environment and which enjoyed autonomy in internal administration in communion with the Universal Church resisted this intervention of the Portuguese. Thus, an unfortunate division emerged among the St. Thomas Christians. From the time of the division of this ancient Christian community, with the Coonan Cross Oath in 1653, the group that took an independent stand was specifically known as the Malankara Church, which is at present divided into several ecclesial communities. The Syro-Malankara Catholic Church is one of the Malankara ecclesial communities, which regained Catholic communion on 20 September 1930 under the historic leadership of the Servant of God Archbishop Geevarghese Mar Ivanios, the pioneer of Re-union movement. Therefore, the Syro-Malankara Catholic Church has its own ecclesial identity and Apostolic status vested with its own God-given right and obligation to fulfill the mission of the Church of Jesus Christ in this world in communion with the entire Catholic Church.

2. Promulgation of the Particular Law

On 10 March 2012 the Code of Particular Canons of the Syro-Malankara Catholic Church (CPCSMCC) was promulgated by His Beatitude Moran Mor Baselios Cleemis, Major Archbishop-Catholicos of the Church (was also elevated to the College of Cardinals by Pope Benedict XVI in 2012). The Code obtained the force of law, after the *vacatio legis*, on the day of Pentecost, 27 May 2012. It is the first time in the history of this Apostolic Church that it has been governed by a complete code of its own and this has marked another important epoch in the history of this Church. The following is a humble attempt to note down briefly about the codification process of CPCSMCC.

3. Brief Description of the Codification Process

From the time of the promulgation of the CCEO, there were attempts to codify the particular laws of this Church. However, the elevation of this Church to the status of a Major Archiepiscopal Church was a catalyst to intensify the process.

The formal proposal of the codification of the particular laws was made at the last meeting of the Council of Hierarchs of the Syro-Malankara Catholic Metropolitan Church held at Tiruvalla from 29 to 31 March 2005. As a first step, a committee of 83 members representing priests, religious and laity, was constituted. His Beatitude Moran Mor Cyril Baselios, being the Chairman of the Codification Committee, nominated the following members as its officials: Most Rev. Thomas Mar Koorilos as the Vice Chairman, Rev. Dr. John Kochuthundil as the General Convenor, and Rev. Sr. Dr. Ardra SIC as the Office Secretary. Further, the Codification Committee consisting of 83 persons was divided into seven groups headed by a Convenor and each group was entrusted with specific topics related to the provisions of the CCEO. The groups were also instructed to prepare a draft on their respective topics. Each group submitted its findings on 12 November 2005 and that constituted the elementary draft of CPCSMCC. The Holy Episcopal Synod then appointed a group of experts comprised of 33 members in order to evaluate the elementary draft. This group of experts submitted its evaluations and studies to the General Convenor and based on this, the second draft was prepared and submitted to the Holy Episcopal Synod on 7 March 2006.

All through the codification, at various stages, fourteen drafts were prepared. Each draft was improved and redrafted at every stage. On 20 October 2009, the final and complete text of the Code of the Particular Canons of the Syro-Malankara Catholic Church, the fruit of a steadfast and scholarly collaboration, was submitted to the Ninth Ordinary Holy Episcopal Synod of the Syro-Malankara Catholic Church for the final approval. On 21 October 2009, the

Synod Fathers went through the entire draft thoroughly in three sessions. The Holy Episcopal Synod in its session on 23 October 2009, solemnly approved the text. The Synod then requested its President, His Beatitude Moran Mor Baselios Cleemis, the Major Archbishop-Catholicos, to initiate the necessary steps to send the acts and decisions to the Holy Father as per CCEO c.III § 3 and to promulgate it as per CCEO c. II2 § 1.

The Acts regarding the Code were sent to the Roman Pontiff and received an overwhelming acceptance of the Holy See. It was stated, “After careful examination of the document submitted by Your Beatitude in the name of the Episcopal Synod, this Congregation is pleased to grant the *recognitio* for the Code of Particular Canons of the Syro-Malankara Catholic Church” (*Congregatio Pro Ecclesiis Orientalibus, Letter Prot. No. 217/2010*).

4. Guidelines of the Codification

In the codification of the Particular laws of the Syro-Malankara Catholic Church, the members of the drafting committee were guided in the formulation of canons by the necessity of going into the primary sources.

Orientations:

At the outset, the members of the drafting committee were asked to prepare a Code of particular laws for the Church in accordance with the norms and provisions of CCEO.

Further, the codification committee was instructed that the canonical formulation should resemble the juridical status and identity of the Syro-Malankara Catholic Church in the Catholic communion.

They were also asked to prepare a Code with sufficient knowledge and clarity to guide the proper internal governance of the Syro-Malankara Major Archiepiscopal Church, with its own Apostolic tradition, ethos, customs and disciplinary systems.

Likewise, as envisaged the Vatican II council, the Code was to make use of the principle of subsidiarity and so as to leave ample space for more particular laws for the proper governance of the eparchies in this Church.

Go into the Sources:

The Syro-Malankara Catholic Church has at its disposal traditions, existing laws, and directories, and legitimate customs, which govern the day-to-day life of this Church. Therefore, it is essential, that the process of codification includes a restructuring, a renewal of the existing laws in the light of the ancient traditions of this Church, the provisions of the CCEO and their *aggiornamento* in the light of the contemporary realities. Hence, the members of the codification were asked to find and make use of all available juridical and other sources from the Syro-Malankara Catholic Church for this codification; for instance:

1. The traditions and patrimony of the ancient Apostolic Church in India.
2. The liturgical and canonical disciplines of the Antiochene Church.
3. The traditions of the undivided Malankara Church and the divided Churches.
4. Legitimate laws and norms hitherto issued by the Hierarchs of the Syro-Malankara Catholic Church and its legitimate customs.
5. The common canonical legislation for the Oriental Catholic Churches, and the decrees effecting the communion of the Malankara Church with the universal Church.
6. Exigencies of ecclesial life in our modern times.

Thus, CPCSMCC canon 3 clearly states, “The canons of this Code are formulated in accordance with the provisions for particular laws given in the CCEO. They also contain the ancient laws of the St.

Thomas Christians in India, and the disciplinary patrimony of the Syro-Malankara Catholic Church. The canons of this Code are to be assessed chiefly by the aforementioned laws”.

7. Structure and Content of the Codification

It was also decided that this particular codification shall, for the sake of easy study and comparison, follow the division of the Code into titles, and wherever possible, use the same titles in the codification of the Canons. Following, the oriental ancient canonical tradition, and taking into consideration the “particularity” of the laws, the collection of particular laws is given the name “Code of Particular Canons Code of Particular Canons of the Syro-Malankara Catholic Church” (CPCSMCC).

The promulgated text of the CPCSMCC consists of the Decree of Promulgation, the *Recognitio* from the Holy See, Preamble, Preface, Abbreviations, Outline of the CPCSMCC, Statutes, End notes and Glossary.

The Decree of promulgation, in addition to the canonical requirement of promulgation, gives us the ecclesiological and theological vision of law in the CPCSMCC referring to its varied sources.

In the *Recognitio* from the Holy See it is stated that “Therefore, let it hereby be made known that, after careful examination of the document submitted by Your Beatitude in the name of the Episcopal Synod, this Congregation is pleased to grant the *recognitio* for the Code of Particular Canons of the Syro-Malankara Catholic Church. Such provision signifies a vital principle; namely, the unique richness of the Syro-Malankara tradition does not exist in isolation. Rather, . . . , each individual Eastern Church contributes to ‘the heritage of the whole church of Christ’ (n. 5). . . . Especially since the Reunion movement and the remarkable ministry of the Servant of God Archbishop Geevarghese Mar Ivanios and his successors, the Syro-Malankara Church has become renowned for an accelerated growth, derived from its ea-

gerness to promote both truth and unit.” (*Congregatio Pro Ecclesiis Orientalibus*, Letter Prot. No. 217/2010).

The Preamble gives a brief historical narration of this Church and the Preface traces a brief history of the codification process.

The CPCSMCC could be broadly divided into two parts: (1). the particular canons that serve the life of the Church, and (2). the statutes that regulate the statutory canonical bodies of the Church. The first part of the Code has been formulated under 16 titles consisting of 611 canons. The preliminary canons give a profound understanding of the source of law in the CPCSMCC.

The major titles in the CPCSMCC are the following: The Syro-Malankara Catholic Church (cc 9-16); the Hierarchical Constitution of the Syro-Malankara Catholic Church (cc 17-70); Eparchies and Bishops (cc 71-123); Parishes, Parish Priests and Parochial Vicars (cc 124-233); Clerics (cc 234-332); Lay Persons (cc 333-346); Religious in the Syro-Malankara Catholic Church (cc 347-392); Associations of the Christian Faithful (cc 393-414); Evangelization (cc 415-425); Baptised Non-Catholics Coming into Full Communion with the Catholic Church (426-432); Ecumenism and Inter-religious Dialogue (cc 433-442); the Ecclesiastical Magisterium (cc 443-462); Divine Worship, Especially the Sacraments (cc 463 -558); Sacramentals, Holy Places, Sacred Times, Veneration of Saints, Oath (cc 559-576); Ecclesiastical Office and Administrative Decrees (cc 577-579); and: Acquisition and Administration of Temporal Goods (cc 580-611).

The end notes refer to the immediate sources of the canon. However, one should not regard it as an exhaustive source reference. Such an outcome would entail further scientific research.

At end the Code there are five Statutes namely: Statutes of the Holy Synod of the Syro-Malankara Church; Statutes of the Permanent Synod of the Syro-Malankara Catholic Church; Statutes of the Malankara Catholic Church Assembly; Statutes of the Superior Tribunal ; and Statutes of the Major Archiepiscopal Tribunal

8. An Appraisal

The content of the Code is juridical and pastoral in its nature. However, it is codified inserting a profound foundation on theology and patrimony of the Syro-Malankara Catholic Church. While the code in every aspect brings out the disciplinary patrimony of the Church, side by side, it also brings out the theological, spiritual, liturgical and cultural patrimony of this Church. This is authentic magisterial teaching, either directly or indirectly, on the above mentioned dimensions of the Syro-Malankara Catholic Church.

With the promulgation of this Code, the Syro-Malankara Catholic Church actualizes its quality of being a *sui iuris* Church as seen in CCEO c 27. It is a Church in its own right, as it is a Church of its own law; because, what stands out in this notion of a *sui iuris* Church is the element of law that is constitutive of a *sui iuris* Church.

With the promulgation of this Code, the solemn declaration of the Second Vatican Council “that the churches of the East like those of the West have the right and duty to govern themselves according to their own special disciplines” (OE 5) is actualized.

With the promulgation of this Code, the vision of the CCEO that “the new Code should limit itself to the codification of the discipline common to all the Oriental Churches, leaving to the competent authorities of these Churches the power to regulate by particular law all other matters not reserved to the Holy See” [*Nuntia* 3 (1976)21] is also actualized. Thus, with a promulgation of the Code, “the laws, legitimate customs, statutes and other norms of law, which are neither common to the entire Church or to all the Eastern Churches” (CCEO c 1493 §2) but belong to the disciplinary heritage of the Syro-Malankara Catholic Church, are identified, codified and up-dated.

In the *recognitio* granted by the Roman Pontiff for the Code of Particular Canons of the Syro-Malankara Catholic Church” (*Congregatio Pro Ecclesiis Orientalibus, Letter Prot. No. 217/2010*), it was stated that the Code contributes to “the heritage of the whole Church of Christ”.

Conclusion

The CPCSMCC is the diligent outcome of consistent research and study. Fourteen drafts were prepared and thoroughly studied and improved over a span of six years. The commitment of the varied spectrum of the People of God of the Syro-Malankara Catholic Church and its well-wishers in the codification ensured a participatory nature of the codification. The Holy See very clearly acknowledged this in the *recognitio* by stating that “the resulting compilation of canonical directives is the product of concerted study, extensive research, tremendous effort and laborious review. I am grateful to the entire team for the fine spirit of collaboration throughout the various phases of the project.” With the promulgation of this Code the Syro-Malankara Major Archiepiscopal Church has a complete code of particular laws of its own and that will help the church to have proper and unified internal governance in its Catholic communion.