

CHURCH DOCUMENTS ON PRESERVING EASTERN ECCLESIAL TRADITIONS¹

Dr Lonappan Arangassery MST, D.Sc.E.O

It is indeed a paradox that when on the one hand the Eastern ecclesial traditions and heritage are extolled to the heavens by the Church documents, in practice, these Ecclesial traditions are treated as appendices. The Eastern Catholics, particularly in India and Gulf countries, are unjustifiably deprived of their most fundamental ecclesial and religious rights guaranteed by the Papal exhortations, Vatican II documents, Post Conciliar documents and Codes of Canon Law. The seriousness of the deprivations is doubled since these violations directly attack the constitutional rights of Indian citizens who belong to Eastern Catholic Churches. The professed key holders of the Church and the responsible pastors show no prick of conscience at the violations of justice guaranteed by secular Constitutions. The Indian Constitution guarantees and safeguards the right of all citizens to profess, celebrate, live, practice and to propagate one's faith irrespective of caste, creed and religion. The violation of legitimate ecclesial rights and Constitutional rights has been going on in India ever since the infamous and controversial Synod of Diamper convoked in 1599 and presided over by Dom Menezis, the Padroado prelate of Goa.

The Syro-Malabar Church is the worst victim of the ritual discrimination, perhaps, because these indigenous apostolic Church which originated outside the old Roman Empire was always too obedient and loyal to the Roman Pontiff. There is no wonder that the Churches headed by "obedient" ecclesiastics are marginalized and treated as appendices by Rome. The heads of Catholic Eastern Churches, other than Syro-Malabar Church, do not entertain pious sentiments of "obedience" and "loyalty" when it is the question of the pastoral care of their faithful. With the establishment of two eparchies outside Kerala, the Syro-Malankara Church in India which was received into Catholic communion in 1930, practically enjoys today *All India Jurisdiction*. The exposition of papal exhortations and important conciliar and post conciliar documents will reveal how much the Catholic Eastern Churches have distanced themselves from their ecclesial consciousness, self-respect, ecclesial identity and dignity.

1. Papal Exhortations on the Eastern Heritage

The report prepared by the Congregation for Propagation of faith (*Propaganda Fide*) in 1755 gives in detail the attempts of Roman Pontiffs to protect the Eastern heritage and it gives practical norms to promote and safeguard the traditions of Eastern Churches.² *Pope Eugene IV (1431-1447)* after studying thoroughly the Eastern practices and liturgy in the Council of Florence (1431-45) instructed the Eastern Catholics to observe them faithfully. *Pope Clement VII (1523-1534)* referring to the instruction of Pope Leo X and the decree of the Council of Florence approved all the Eastern Rites through a decree in 1526. He strongly disapproved the action of those Latin Christians who indulged in disturbing the Easterners.

Pope Pius V (1566-1572) by the decree *Providentia Romani* given on August 20, 1566 forbade changing of Rites. The decree was particularly intended to put an end to the practice of some Greek Catholics who were changing over to Latin rite. *Pope Gregory XIII (1572-1585)* established a college for the Greeks in 1581 and obliged Greeks to follow their rite. So also he asked the Maronites in Rome to follow their ecclesial traditions and liturgy.

Pope Clement VIII (1592-1605), aware of the practice of Greeks in Rome receiving ordination from Latin bishops and changing over to the Latin Church without any permission, strongly objected to it. Wishing to re-instate the Eastern Churches all over the world, the Pope convened a council of Cardinals and experts to discuss the matter. He instructed the Greeks on the importance and necessity of preserving their ecclesial heritage. When Ruthenians returned to Catholic Communion in 1595,

¹ See Arangassery Lonappan, *Right to Rite an Unfinished Agenda*, Kottayam-2012, 149-172

² *Sacra Congregatione de prop Fide d Observandis Ritibus Ecclesiarum Orientalium* in APF, SC, (10C) 28, ff 178r-184.

they were asked to preserve their rite. Propaganda Fide issued a decree on 7 February, 1624 against the practice of some young Ruthenians switching over to Latin Rite and decreed it as illicit.³

Paradoxically, however, it was during the tenure of *Pope Clement VIII (1592-1605)*, we see the excesses of Dom Menezes of Goa in the ancient apostolic Church of Thomas Christians. Misinterpreting the three briefs of Pope Clement VIII, Dom Menezes convened and conducted the synod of Diamper and formally inaugurated Latinisation of Thomas Christians in India. It was during his tenure a Latin bishop was imposed on Thomas Christians and All India Jurisdiction of the See of Angamali was suppressed. Pope Paul V (1605-21), Urban VIII (1623-1644) Clement XI (1700-1721) also followed the policy of Pope Clement VIII.

Pope *Benedict XIII (1724-1730)* issued a decree clearly stating that the different rites in the Catholic Church and the Eastern Churches in particular, are to be preserved. The decree was published and placed in the sacristies of all the Churches in Rome. The decree exhorted the pastors responsible for the Churches, not to allow the priests from Eastern Churches who did not observe the liturgical norms of their respective Churches, to celebrate the Eucharistic liturgy. The decree demanded that the Oriental priests bring with them their proper liturgical vestments and ministers to assist them. There were at that time eight churches at the disposal of the Eastern Catholics.

The Congregation for the Propagation of Faith (Propaganda Fide) testifies that, for a long time these churches were used by the Easterners. But later, due to the increasing number of the Eastern Catholics in Rome and the ignorance of the Eastern Churches and their practices, the responsible pastors became indifferent and rendered the above arrangements ineffective. The Congregation had also appointed people who knew Eastern languages, liturgy and heritage to see to the proper implementation of the decree and to remedy the abuses in this regard.

In spite of all these and other attempts of the Congregation, the fact that it was in Rome, *then and now*, there were more abuses in this respect, than in the orient, is an irony. The Congregation itself deplores the situation as scandal, as an act of disobedience and disregard. The Congregation confesses that this situation has made Rome unworthy of the title "*Mother city*" and that this disobedience has set a wrong precedence for the Orientals to disobey any future directives of the Holy See.

Exactly this is going on even today in Rome under the nose of the supreme Pontiff. We find numerous oriental priests celebrating Latin liturgy in the chapels of Roman Colleges. It is a matter of great shame and concern that even the Congregation for the Eastern Churches, which grants full scholarship to priests from Eastern Churches, is unable to put an end to the misuse of the faculty of bi-ritualism under its nose.⁴ This practice sets wrong precedence since it is a gross and culpable disregard for the directives of the Holy See and the liturgical laws. More seriously, it is a clear case of desecration of Roman Liturgy by the Orientals who celebrate Roman liturgy for trivial reasons such as to learn a European language or to save time. Ordinarily, the motif for granting the faculty of bi-ritualism is "*bonum fidelium*" of the members from other *sui iuris* Churches.

Benedict XIV (1740-58) in 1751 disapproved the practice of Greek Ruthenians changing over to Latin rite.⁵ In his Encyclical *Allatae Sunt* given on 26 June, 1755, he spoke on the importance of preserving the Eastern ecclesial traditions in detail. The Encyclical was issued in the context of the doubts raised by the missionaries in the Eastern countries, who wanted uniformity in the ecclesial and liturgical practices. The encyclical *Allatae Sunt* forbade the imposition of Roman rite on the Orientals for the sake of uniformity and under the pretext of converting the Orientals from heresy (n 19). It asked the missionaries not to mix up the different rites (n.33). Both the Latin rite and Eastern rite priests were asked to celebrate the Eucharistic liturgy and administer sacraments according to their respective rites (n.23). The same Encyclical objected to the innovations and laxity in the observation of abstinence as deviations from the venerable traditions of the Greek Churches (n.47). In article 48, the Pope exhorted everybody not to be Latins but Catholics and he rejected the theory: *to be Catholic one needed to be Latin*.

Pius IX (1846-78) in his letter *Amantissimus* wrote to the bishops on April 1862 that the different rites were not against unity of the Church but rather they enhanced it and that these rites must be preserved (n.4). The same Pope in his letter *Omnem Sollicitudinem* issued on May 1874 directed that

³ *Acta et Decreta Concilium*, col. 602-603.

⁴ It is painful to see Syro-Malabar and Syro-Malankara priests celebrating Latin Liturgy in Roman Colleges including those run by the Congregation for Oriental Churches where there is no "*bonum fidelium*".

⁵ *Acta et Decreta Concilium*, col.606.

nothing be introduced into the liturgy approved by the Holy See under the pretext of renewal without the permission of the Holy See.

Leo XIII (1878-1903) corrected the tendency of treating the Eastern Churches as appendices. It is Pope Leo XIII, who issued the Apostolic Constitution, *Orientalium Dignitas* on 30 November, 1894⁶. The document discussed the importance of Eastern liturgies, the preservation and protection of the rights and privileges of the Eastern Churches. The Pope in this Apostolic Constitution strongly criticized and disapproved the priests of the Roman Church who were promoting change of rites. In his letters to bishops and missionaries working in eastern countries, Pope Leo XIII encouraged the establishment of schools and seminaries for Eastern Christians. He desired that Eastern Churches be protected from Latin influence. He also established a seminary for the Greeks and asked them to celebrate Byzantine liturgy in its integrity.

Benedict XV (1914-1922) in May 1917 erected the "*Congregation for the Oriental Church*". Since then the new Congregation reserved all concerns of the Holy See involving the Eastern Churches independent of the Propaganda Fide. The Pope thus asserted the esteem and respect of the Holy See for the Eastern Churches. In *Dei Providentis* Pope Benedict XV guaranteed the preservation and promotion of the Eastern heritage. He said that there would be no cause for any fear and that the Eastern Christians need not suspect or distrust the Latins in the future and that whether Latin, Greek or Slav, all have equal dignity.⁷ In the same year (1917) Pope Benedict XV founded the *Pontifical Oriental Institute*⁸ open to Catholics and non-Catholics, men and women, clergy, religious and lay faithful, for the deeper study of Eastern heritage. In 1920 Mar Ephrem of the Syrian Churches, also known as the harp of the Holy Spirit was declared Doctor of the Church and the feast of the Saint was fixed for June 18.⁹

Pius XI (1922-39) issued the Apostolic letter *Ecclesia Dei* and in his letter *Rerum Orientalium* given on 8 September 1928 he exhorted all the Catholics to learn the history, customs and practices of the Easterners. He asked the Universities to establish a faculty for the study of the Eastern Fathers and to understand the teachings and mentalities of the Easterners. This will in return enrich the Catholic theology and enable all to be attached to the Church the bride of Christ. *Pope Pius XI* also emphasized that the diversity of rites does not harm the unity of the Church rather it enhances the unity and beauty of the Church. It was Pope Pius XI who told the highly Latinized Hierarchs of the Syro-Malabar Church in 1930 that he did not want to Latinize their Church but Catholicize.¹⁰

Pius XII (1939-1958) in his Apostolic letter *Orientalis Ecclesiae* assured the faithful of the Eastern Churches that they know that the Latin customs and practices would not be compelled on them. In the Church the heritage of both the east and the west are treated with the same esteem and respect and they are not harmful in the path of unity. In the Apostolic letter *Orientalis Omnes Ecclesias* Pope Pius XII clearly stated that the non-Catholic Eastern Churches returning to the Catholic Communion should preserve their legitimate rites, customs and practices and there is no cause for any fear in this respect.

This being the pre-Vatican II rhetoric, we may note that almost all the Eastern Churches which came into communion with Rome were groups detached from the Eastern Orthodox Churches, Oriental Orthodox Churches and the Church of the East by the western missionaries. Naturally, these Eastern Churches were treated as appendices of the Roman Church or "Uniate Churches". In order to get a general picture of the re-union and "uniatism", we give below the name of the Catholic Eastern Church and the approximate year of its Latinisation and re-union with Rome in brackets.

Chaldean Catholic Church [1552], Coptic Catholic Church [1741], Syrian Catholic Church [1662], Latinisation of Maronite Church since Lateran 1215, Armenian union between 1198-1375 and again from 1439, Melkite Catholic Church [1729], Ukranian Catholic Church [1595], Malankara Catholic Church [1930], Ethiopian Catholics [1622], Romanian Catholics [1701], Ruthenian Catholics [1646], Slovaks [1968], Hungarians [1912], Greek Catholics [1895], Albanians [1920],

⁶ Leo XIII, *Apostolic letter Orientalium Dignitas*, Nov.30, 1894, in Leonis XIII, Acta, Vol XIV.

⁷ AAS 12 (1920) 440-41.

⁸ AAS 9, (1917) 531-33.

⁹ AAS 12 (1920) 457-71.

¹⁰ The highly Latinised Syro-Malabar bishops requested the Pope permission to use the Latin Pontifical in Syriac. Disapproving the request, the Pope ordered revision and restoration of Syro-Malabar liturgical traditions and liturgical texts.

Belarussians [1595], Russian Catholics [1905], Byzantine Catholics of Krizevci [1777] and from them Macedonians [2008]. Bulgarians were brought under Rome in mid-19th cent. But all of them went back to Orthodox Church in 1872 due to the undue interference of Latin missionaries. The Italo-Albanians who were Catholics returned to orthodoxy and were Latinised and brought back in 11th cent. Now they are practically absorbed into Latin Church.¹¹ In 1886, the Church of Thomas Christians was suppressed and it disappeared from the ecclesiastical map of India and it was brought to life again in 1887 with new identity and new name “Syro-Malabar”.

2. Vatican II Documents

The second Vatican council was convened in 1962 by Pope John XXIII of happy memory to facilitate and implement the much needed renewal of the Church by letting in fresh air and cleaning the dust accumulated on the throne of Peter from the time of Constantine. The Council promulgated on November 21, 1964 two decrees: *Unitatis redintegratio* on Ecumenism and *Orientalium Ecclesiarum* on the Catholic Eastern Churches and their heritage.

Orientalium Ecclesiarum repeating the exhortations of earlier popes affirmed clearly the importance of Eastern ecclesial heritage as part of the divinely revealed Catholic tradition having patristic foundations (OE 1). It affirmed the unity of Churches in faith and sacraments, diversity in liturgy, theology, spirituality and discipline, the equality of the Churches within the Catholic communion with respect to status, dignity, rights and duties. It affirmed that the variety within the Church in no way harmed its unity rather manifested it (OE 2-3).

The decree asks the concerned pastors to take all means in every part of the world for the protection and advancement of all the individual Churches and, to this end, to establish parishes, eparchies and hierarchies where the spiritual good of the faithful demands it and proper formation of clerics and instructions to be imparted on the ecclesial heritage and inter-ritual questions (OE 4). Article 5 guarantees the right and duty of the Eastern Churches to govern themselves in accordance with their discipline (OE 5 & UR 14-17).

Article 6 of OE insists that all the Easterners ought to know and be convinced that *they can and ought* to preserve their patrimony with fidelity and grow organically and return to ancestral ways if fallen away. Adequate knowledge of ecclesial heritage is demanded of all concerned pastors and they are to be instructed in the knowledge of the rites, discipline, doctrine, history and character of the Easterners. The article 6 also directs to start oriental houses or provinces in the Latin religious Institutes having oriental members. The decree also exhorts:

those who, by reason of their office or apostolic ministries, are in frequent communication with the Eastern Churches or their faithful, should be instructed, as the seriousness of their office demands, in the knowledge of and respect for the rites, discipline, doctrine, history and character of the Orientals (OE 6).

The decree on Ecumenism (UR) reminds in article 14:

Similarly it must not be forgotten that from the beginning the Churches of the East have had a treasury from which the Western Church has drawn extensively-in liturgical practice, spiritual tradition, and law. Nor must we undervalue the fact that it was the ecumenical councils held in the East that defined the basic dogmas of the Christian faith, on the Trinity, on the Word of God Who took flesh of the Virgin Mary. To preserve this faith these Churches have suffered and still suffer much (UR 14).

The decree on bishops *Christus Dominus* (CD) promulgated on Oct 28, 1965 exhorts bishops:

Where there are faithful of a different rite, the diocesan bishop should provide for their spiritual needs either through priests or parishes of that rite or through an episcopal vicar endowed with the necessary faculties. Wherever it is fitting, the last named should also have episcopal rank. Otherwise the Ordinary himself may perform the office of an Ordinary of different rites. If for certain reasons, these prescriptions are not applicable in the judgment of the Apostolic See, then a proper hierarchy for the different rites is to be established.¹²

¹¹ Arangassery, *Catholic Eastern Churches*, 58-75.

¹² There is not even a single instance reported in the whole world where the Latin bishops took the *initiative* to make such provisions in the matter. Of course some bishops permitted or tolerated such provisions

Although the decrees *OE*, *CD*, *UR* and the Constitution *LG* strongly re-affirmed the right to rite of the Eastern Churches, the implementation of these documents had been very slow during the past 50 years. The observations of the commentators on the decree *Orientalium Ecclesiarum* made decades ago are still relevant today. V. J. Pospishil comments:

*However, the situation is different for the flourishing Catholics of the two Syrian rites in South India., in the state of Kerala. The Malankarians and Malabarians,...were not permitted to extend their missionary activity to their pagan Indian brothers because the territory had been assigned to Latin rite missions, which rite after all reached back that part of the globe hardly a few hundred years. This was considered not only unjust but also short sighted because the Malabarian Church is going through a period of awakening of priestly and religious of unheard proportions. In addition , being denizens of India so much longer than the Latin rite Church, the Syrian rites are not considered contaminated by the European background of so many Latin rite missions.*¹³

Paul Mailleux says:

*By stressing the equal dignity of the different Catholic rites, the council condemns clearly the theory that the Roman Rite enjoyed some kind of precedence over the others. In the past, the apostolate in the missions has been conducted exclusively in the Latin rite. This practice has been resented by some Easterners, mostly in India where the priests of the ancient Malabar rite were always obliged to adopt the Roman rite to undertake missionary apostolate.*¹⁴

Post Vatican II theologians wrote prolifically on the achievements of Vatican II and the re-discovery of the biblical and patristic understanding of the Church as a communion and as Eucharistic community. Theologians from the Eastern Churches of India wrote on communion ecclesiology and on the need of giving pastoral care to the migrants from Syro-Malabar and Malankara Churches in India and abroad, as envisaged in *Orientalium Ecclesiarum*. Although most of the ideas expressed in the decrees are already found in the earlier papal exhortations, one is able to feel the breath of the Holy Spirit in the documents. However, we need to have a quick overview of the reception of the council documents to understand the post-conciliar indifference and disinterest in implementing the documents.

3. Reception of the Conciliar Documents

After the Vatican Council II, it was perhaps Pope Paul VI, who suffered most by undergoing daily martyrdom for trying to implement the Vatican II documents and guide the Church in accordance with the letter and spirit of Vatican II with a “pre-Vatican” Curia. One should not be in fool’s paradise thinking that all the bishops who attended the Council and the members of the Roman Curia knew thoroughly well the Council documents and that they were fully convinced of their contents and they started to implement the documents immediately after the conclusion of the Council. Pope Paul VI who knew that the Roman curia had not digested the Council decrees properly “felt it necessary to address the Roman Curia in uncompromising terms.”¹⁵ He exhorted the members of the Curia on 23rd April, 1966 saying:

*Whatever were our opinions about the Council’s various doctrines before its conclusions were promulgated, today our adherence to the decisions of the Council must be whole hearted and without reserve; it must be willing and prepared to give them the service of our thought, action and conduct. The Council was something very new: not all were prepared to understand and accept it. But now the conciliar doctrine must be seen as belonging to the magisterium of the Church and, indeed, be attributed to the breath of the Holy Spirit.*¹⁶

It was neither easy a task to convert the members of the Roman Curia nor replace completely in a day the members of the Roman Curia which was dominated by Cardinal Alfredo Ottaviani (1890–1979), who had spent fifty years in the Roman Curia with the motto, *Semper idem* [Always the

when there were no other options.

¹³ Pospishil, *Orientalium Ecclesiarum*, 13-14.

¹⁴ Mailleux, “Decree on Eastern Catholic Churches”, 375, foot note no.7.

¹⁵ Hastings, “Vatican II,” 738a–b.

¹⁶ Hastings, “Vatican II,” 738a–b.

same!].¹⁷ Even if a Pope were to succeed in replacing the members of the curia in a few years, the new ones would be initiated to walk through the track dictated by the older guys. Therefore, ultimately the Pope did what curia decided and naturally the Roman curia implemented only what it wanted to implement.

During the post conciliar period, while Latin Church in India reserved to themselves and built up the Church in highly responsive areas like the North Eastern states of India, using almost 70% of the missionary personnel from Syro-Malabar Church, a few mission dioceses in regions humanly speaking most un-responsive were given to Syro-Malabar Church for mission work by Pope Paul VI. One of the major decisions of Pope John Paul I was the appointment of an Apostolic Visitor to study and submit the report on the situation of the Syro-Malabar migrants outside its proper territory.¹⁸ The report submitted by the Visitor Mar Antony Padiyara to Pope John Paul II, however, set fire to serious discussions on the matter with arguments and counter arguments. Latin Hierarchs hardened their hearts and completely rejected the allegations against them in the report and opposed the report through a response.¹⁹ Commenting on the council decrees, Pope John Paul II in 1988 said in *Euntes in Mundum*:

*The Decree with utmost clarity underlines that the autonomy which the eastern Churches enjoy in respect to discipline does not flow from some privileges granted by the Roman Church but from the law itself with which these Churches were endowed since apostolic times.*²⁰

If the autonomy of the Eastern Churches does not originate from the Roman Church, it must also be said that the autonomy of the Catholic Eastern Churches is not at all a concession either by the Roman Church or by the Latin hierarchy in India. This autonomy, therefore, is a duty and a legitimate right of the Catholic Eastern Churches.

4. Latin Code of Canons (CIC)

Two decades later, the Latin Code of Canons (CIC) was given on January 25, 1983 and it came to force on December 1, 1983. Canon 383§2 of CIC stipulates:

*If he (bishop) has faithful of a different rite in his diocese, he is to provide for their spiritual needs either by means of priests or parishes of the same rite, or by an episcopal Vicar.*²¹

Again CIC stipulates:

Where it is useful however, personal parishes are to be established, determined by reason of the rite, language or nationality of the faithful of a certain territory, or on some other basis (can. 518)

Canon 214 of the same code says:

Christ's faithful have the right to worship God according to the provisions of their own rite approved by the lawful Pastors of the Church; they also have the right to follow their own form of spiritual life, provided it is in accord with Church teaching.

Canon 923 of CIC permits Christ's faithful to participate in the Eucharistic Sacrifice and receive Holy Communion in any Catholic rite and canon 991 permits all Christ's faithful to confess their sins to lawfully approved confessors of their own choice, even to one of another rite.

Communicatio in Sacris does not, however, mean change of one's Rite. As Can. 112 §2 clarifies, the practice of receiving the sacraments according to the rite of an autonomous ritual Church, does not bring with it membership of that Church. Therefore canon 1015 §2 forbids a bishop to ordain the members of another Church sui iuris. Pope John Paul II, on the 28th of June 1985, appealed to the members of the Roman Curia saying: "*The Church must learn to breathe again with its two lungs, its Eastern one and its Western one*".²²

¹⁷ Komonchak, "Otaviani", *MCE*, 623b.

¹⁸ Karotemprel, *A Cry in the Wilderness*, 1-36.

¹⁹ Karotemprel, *A Cry in the Wilderness*, 37-80.

²⁰ AAS 80, 1988

²¹ cf. also c.476; 479 §2;

²² cf. also *Apostolic Constitutions Sacri Canonis* of Pope John Paul II promulgating the CCEO on 18 October, 1990.

Pope John Paul II visited India in February, 1986, and “after much prayer and reflection” and “to ensure a just and fair settlement” of the inter-ritual problems, Pope wrote on May 28, 1987 to the bishops of India in the light of the discussions he had with the bishops and what he saw in India.²³ In his letter Pope John Paul II clearly stated the right of all the three Churches of India to establish their own Episcopal Conferences, the right and duty of all the Churches for pastoral care of their people and preaching of the Gospel as envisaged in OE 3. He also emphasized the urgency of providing adequate pastoral care of Eastern faithful living in the Latin Eparchies in keeping with the letter and spirit of conciliar teaching and making use of the various canonical provisions.²⁴

In the letter to the Indian bishops (1987), Pope John Paul II said that Syro-Malabar Church in Bombay-Pune region was mature enough to be established as an eparchy.²⁵ Accordingly, for the first time in the history of the Church in India, the eparchy of Kalyan was erected on April 30, 1988 for the Syro-Malabar migrant faithful in the area co-terminus with the then archdiocese of Bombay and the diocese of Pune.²⁶ When the eparchy of Kalyan was erected, as happened at the erection of the Syro-Malabar Vicariates in 1887,²⁷ a handful of Syro-Malabar Catholics in Bombay, under the aegis of a few ecclesiastics, began to disturb the peace of the new diocese with teething troubles. They continued to pester the Holy See with petitions asking permission to remain attached to the Latin parishes and to change the ‘Rite’.

The so called Syro-Malabar ‘dissidents’ even resorted to pressure tactics such as “Dharna” against the eparchy of Kalyan with the support and ‘blessings’ of the then Archbishop of Bombay Simon Cardinal Pimenta in front of his residence. A similar thing happened when Thomas Christians were ritually separated from Verapoly and placed under the new Vicariates. The majority of the southist priests, instigated and supported by the bitterly disappointed vicar apostolic of Verapoly Msgr Mellano, requested Rome on 21 November 1887 to place the southists either under Mellano of Verapoly or his co-adjutor Marcelline.²⁸

The letter of Cardinal Pimenta of Bombay written on September 23, 1990 on behalf of the “petitioners” clearly betrays the determination of Latin Ecclesiastics not to co-operate with the establishment of Kalyan. The hidden agenda behind such subversive activities was to prevent the establishment of similar eparchies in the future. This is very evident in the ‘threat’ of the petitioners and the references to the “negative consequences of the ‘establishment’ of Kalyan Eparchy: It is not possible to explain the dangerous consequences that are taking place.”²⁹

On January 31, 1991, on behalf of Pope John Paul II, the secretary of State Cardinal Sodano replied to Cardinal Pimenta clarifying some of the misconceptions of the petitioners whom the latter supported. The Holy See repeated the appeal made in the letter of 28 May, 1987 once again to Cardinal Pimenta, i.e. to “do everything possible to educate and form the priests, religious and faithful to accept and co-operate with its (the letter’s) implementation” (n.6).

The letter of Vatican Secretary of State affirmed that the difficulties raised by the petitioners were of foundational nature and that they were foreseen and that they could be overcome by co-operation and sacrifice. The letter also highlighted the envious growth of the new eparchy within two years in spite of the teething troubles.³⁰ The eparchy of Kalyan, which is getting ready to celebrate the silver jubilee of its erection, has grown phenomenally thanks primarily to the generosity, co-operation, enthusiasm and support of the faithful and the hard work of the priests who spent themselves to build up the eparchy from its inception. According to the Directory of 2010, the

²³ Pallath, *Pope John Paul II*, 212

²⁴ CD 23, 3; OE 4; CIC 383, 2; 476; 518.

²⁵ Pallath, *Pope John Paul II*, 209-2013.

²⁶ The present author was one of the two pioneering chaplains appointed by Bishop Valerian D’Souza of Pune in his diocese on June 9, 1984 to serve the Syro-Malabar migrants.

²⁷ *Quod iam pridem* of 20 May, 1887 in *Leonis XIII*, Pontificis Maximi Acta, vol. 7, Romae 1888, 106-108; AAS, XIX, 513-514.

²⁸ Cf. ACO, *Scrittura riferite Malabar*, 1878-1889, ff. 1300-1301; Pallath, *Catholic Church in India*, 129. “Divide and rule” is a tactic inherited by the ecclesiastics in India from the western colonialists who posted one community or king against the other to achieve their goal.

²⁹ See Pallath, *Pope John Paul II*, 217

³⁰ See text in Directory of the Eparchy of Kalyan, [1995], 95-99; Pallath, *Pope John Paul II*, 215-19.

eparchy of Kalyan has 162 well established communities assisted and cared by diocesan and religious priests, women religious and committed lay leaders.

When, however, a handful of Syro-Malabar Catholics continued to disturb “the peace in the community”, the Holy See issued an “Indult” on September 18, 1993, permitting them to receive sacraments in the Latin parishes without however losing their membership in the Syro-Malabar Church.³¹ With the publication of the “indult” the opposition of petitioners vanished into thin air and they gradually joined the mainstream.

5. Code of Canons for Eastern Churches

The Code of Canons for the Eastern Churches (CCEO) was given on October 18, 1990 and it came to effect on October 1, 1991. Canon 31 says “No one can presume in any way to induce the Christian faithful to transfer to another Church *sui iuris*”. According to c. 1465 of CCEO,

One who belonging to any Church *sui iuris*, including the Latin Church, and exercising an office, a ministry or another function in the Church, has presumed to induce any member of the Christian faithful whatever to transfer to another Church *sui iuris*, contrary to canon 31 is to be punished with an appropriate penalty.

Canon 40 says:

Hierarchs who preside over Churches sui iuris and all other Hierarchs are to see most carefully to the faithful protection and accurate observance of their own rite, and not admit changes in it except by reason of its organic process, keeping in mind, however, mutual goodwill and the unity of Christians.

Canons 7 to 26 of CCEO speak of the rights and duties of Christian faithful. According to canon 10, Christ’s faithful are bound to maintain integrally the faith, which was preserved and transmitted at a great price by their forefathers, and to profess it openly as well as to acquire a greater practical understanding of it and to make it fruitful in works of charity. CCEO c.17 says that Christ’s faithful have the right to worship God according to the prescriptions of their own Church *sui iuris*, and to follow their own form of spiritual life (cf. CIC c.214). The canons also speak of the right of the faithful to demand spiritual and pastoral care from their pastors.³²

6. Post Conciliar Documents

In the post conciliar apostolic exhortation on evangelization: *Evangelii Nuntiandi*, Pope Paul VI stated: “*Evangelization is the grace and vocation of the Church. The Church exists in order to evangelize*” (EN 14). A preliminary survey of the shape of the missionary apostolate and mission *ad gentes* in India would suggest that in spite of the great rediscovery of the patristic and Eastern understanding of the Church as a celebrating and worshipping community (SC 2), as a Mystery, as people of God and as communion of Churches etc.,³³ many Catholics, who still entertain juridical, jurisdictional, territorial and colonial understanding of the Church inherited from the medieval ages, have not yet digested the Conciliar teaching that proclamation of the Gospel necessarily involves the planting of the Church which is the extension of the Church of the evangelizer. The Constitution on Liturgy *Sacrosanctum Concilium* affirms:

For the aim and object of apostolic works is that all who are made sons of God by faith and baptism should come together to praise God in the midst of His Church, to take part in the sacrifice, and to eat the Lord's supper (SC 10).

Realizing the irreparable harm done to the Church of Christ in general and to the Eastern Churches in particular by the West, due to the ignorance of and culpable indifference to the heritage and contribution of the Eastern Churches, the Congregation for Catholic Education in its letter dated January 6, 1987, instructed all Bishops, Major superiors, heads of faculties, and Rectors of seminaries:

In seminaries and theological faculties, courses should be made available to the students on the fundamental notions regarding the Eastern Churches, their theological ideas, their liturgical and spiritual traditions.... The great theological heritage of the East should feature as a

³¹ See text in Pallath, *Pope John Paul II*, 220-221; Directory of the Eparchy of Kalyan, [1995], 100.

³² CCEO c.15-16; CIC 212-213.

³³ *Lumen Gentium* 1-17, 23 and *Orientalium Ecclesiarum* 1-6.

substantial part of all the tracts which it has particularly nourished and shaped, in order both to enrich the studies of the students of the Latin Rite and to promote a better appreciation of the Oriental Churches (n.10).³⁴

The syllabi of the various theological institutes in India at least from 1987 will reveal that not even seminaries and theological institutes run by Syro-Malabar Church and Syro-Malabar Institutes have taken the letter seriously. A very few Latin institutes of theology, however, have devoted a few hours (one or two credits) to introduce Eastern Churches and their heritage to the students.

In 1995, Pope John Paul II authored two significant documents namely, the Apostolic letter *Orientalium Lumen*³⁵ and the Encyclical *Ut Unum Sint*.³⁶ Surprisingly, one may observe that in none of the post conciliar documents Pope John Paul II disapprove strongly the violations of the pastoral and missionary rights of the Eastern Catholics as done by his predecessors. They also do not affirm strongly the ‘equal’ dignity of the Eastern Churches as spelled out in OE 1-6. Unlike the pre-Vatican II papal exhortations, the Post Conciliar documents clearly refrain from giving clear and concrete guidelines to rectify the anomalous, abnormal and unjust ecclesiastical situation. These documents, however, extoll the eastern heritage to the heavens. The Roman Church is yet to realize that the Eastern Ecclesial heritage is not something to be preserved as rare species in museums and to be “wondered at” during intervals.

Pope John Paul II who abstained from disapproving concrete cases of Latin arrogations and infringements on the rights of the Eastern Churches, however, exhorted all Catholics, especially of the Latin West to be familiar with the East to reduce the misconceptions about the East and the estrangement between Roman and Eastern Churches.

Since, in fact, we believe that the venerable and ancient tradition of the Eastern Churches is an integral part of the heritage of Christ's Church, the first need for Catholics is to be familiar with that tradition, so as to be nourished by it and to encourage the process of unity in the best way possible for each (OL 1).

Pope John Paul II, however, admitted to the Synod of Syro-Malabar Bishops in 1996 of the atrocities, wounds and infringements inflicted on the Church of Thomas Christians by the Latin Church.

When other Christians from the West reached your lands, you gave them generous hospitality. For you, they represented a new openness to the Church's universality. At the same time , however, lack of understanding of your cultural and religious heritage caused much suffering and inflicted a wound which has only been partially healed, and which today still requires a very high degree of holiness and wisdom on the part of the pastors of the Church, chiefly responsible for building peace and fellowship among all Christ's followers.³⁷

7. *Erga migrantes caritas Christi*

*Erga Migrantes caritas Christi*³⁸ though not written to address the problem of the Eastern faithful in movement, the pastoral solicitude of the Church should be equally extended to the Eastern migrants too. The document *Erga Migrantes caritas Christi* gives clearly guidelines to a good pastor. The articles 52 to 55 from *Erga Migrantes* are reproduced below for our serious consideration.

52. Eastern Rite Catholic migrants, whose numbers are steadily increasing, deserve particular pastoral attention. In their regard we should first of all remember the juridical obligation of the faithful to observe their own rite everywhere insofar as possible, rite being understood as their liturgical, theological, spiritual and disciplinary heritage (cf. CCEO Can. 28, §1 and PaG 72).

³⁴ The congregation for Catholic Education, that attends to the minute details of the Syllabi of every Catholic Institute, doesn't seem to be interested in asking at least major seminaries to implement the document.

³⁵ John Paul II, Apostolic Letter *Orientalium Lumen* [to mark the centenary of *Orientalium Dignitas (OD)* of Pope Leo XIII] 2 May, 1995, in L'Osservatore Romano (Document), Weekly English Edition, Vatican, 3 May 1995.

³⁶ John Paul II, Encyclical *Ut Unum Sint*, 25 May 1995, in L'Osservatore Romano weekly English edition, 31 May 1995, I-XV.

³⁷ Porunnedam, *Acts of the Synod*, 15.

³⁸ *Erga Migrantes caritas Christi* (The love of Christ towards migrants), Vatican City, 2004.

This means that “even though entrusted to the care of a hierarch or pastor of another Church sui iuris, they still remain inscribed as members of their own Church sui iuris” (CCEO Can. 38). Indeed even a prolonged practice of receiving the sacraments according to the rite of another Church sui iuris does not mean that they become members of that Church (cf. CIC Can. 112, §2). It is in fact forbidden “to change rites without the consent of the Apostolic See” (cf. CCEO Can. 32 and CIC Can. 112, §1).

Notwithstanding their right and duty to observe their own rite Eastern Catholic migrants also have the right to participate actively in the liturgical celebrations of any other Church sui iuris, including the Latin Church, in accordance with the prescriptions of its liturgical books (cf. CCEO Can. 403, §1).

Moreover the hierarchy must take care that those who have frequent contacts with the faithful of another rite should know that rite and respect it (cf. CCEO Can. 41). It will also be vigilant that no one should feel restricted in his freedom because of language or rite (cf. CCEO Can. 588).

53. In this line the Second Vatican Council (CD 23) decreed: “Where there are faithful of a different rite, the diocesan bishop should provide for their spiritual needs either through priests or parishes of that rite or through an episcopal vicar endowed with the necessary faculties. Wherever it is fitting, the last named should also have episcopal rank. Otherwise the Ordinary himself may perform the office of an Ordinary of different rites”. Moreover “one or more episcopal vicars can be named by the bishop. These automatically enjoy the same authority which the common law grants the vicar general ... for the faithful of a determined rite” (CD 27).

54. In conformity with the Council’s decree, the CIC (Can. 383, §2) lays down that if the diocesan bishop “has faithful of a different rite in his diocese, he is to provide for their spiritual needs either through priests or parishes of the same rite or through an episcopal vicar”. The latter, in accordance with Can. 476 of the CIC, “posses [es] the same ordinary power which a vicar general has by universal law” regarding his relation with the faithful of a particular rite. After enunciating the principle of the territorial nature of a parish, the CIC (Can. 518) lays down in fact that “when it is expedient personal parishes are to be established, determined by reason of the rite”.

55. Whenever this is done, these parishes will juridically form an integral part of the Latin diocese, and the parish priests of the aforementioned rite will be members of the diocesan presbyterate of the Latin bishop. It should, however, be noted that although in the hypothesis foreseen in the above mentioned canons these faithful are living within the jurisdiction of the Latin bishop, it is opportune that before instituting personal parishes for them or designating a presbyter as assistant or parish priest or indeed episcopal vicar, the Latin bishop should take up contact both with the Congregation for the Oriental Churches and with the respective hierarchy, in particular with the Patriarch.

It should be recalled here that the CCEO (Can. 193, §3) lays down that when eparchs “constitute this kind of presbyter or parish priest or syncelli for the pastoral care of the Christians faithful of the patriarchal Churches”, they should “take up contact with the relevant Patriarchs and, if they agree, should then act on their own authority, informing the Apostolic See about this as soon as possible; if, however, for any reason the Patriarchs do not agree, then the matter must be referred to the Apostolic See”.³⁹ Although there is no explicit regulation corresponding to this in the CIC, it should nevertheless by analogy apply to Latin diocesan bishops too.

³⁹ As regards the provisions for the coordination of different rites in one and the same territory, cf. CCEO Can. 202, 207 and 322

In the Apostolic Exhortation *Verbum Domini* Pope Benedict XVI, speaks of proclaiming the Gospel to migrants settling in countries of Christian tradition with no or inadequate understanding of Christ and to migrants from nations deeply marked by Christian faith and that these situations offer new possibilities for the spread of God's word.⁴⁰ The Pope continues:

*In this regard the Synod Fathers stated that migrants are entitled to hear the kerygma, which is to be proposed, not imposed. If they are Christians, they require forms of pastoral care which can enable them to grow in the faith and to become in turn messengers of the Gospel.*⁴¹

Going through the numerous instructions and exhortations of the Popes and the words of praise by John Paul II without any concrete measures to rectify the unjust situation in *Orientalium Ecclesiarum* and *Ut Unum Sint*, one is tempted conclude that what is needed is not exhortations and words of sympathy on the heritage of the Eastern Churches, but concrete measures and clear directives with the will to implement. But any pastor who has average intelligence, a heart of a shepherd, and some ecclesial sense cannot be indifferent to the needs of the migrants from other churches after reading the document *Erga Migrantes caritas Christi* at least once. However, all rhetoric about pastoral care of migrants and *universal pastoral solicitude* disappears when it comes to the pastoral care of Syro-Malabar migrants and immigrants.

The Vatican II documents OE, UR, CD, LG and the Codes of Canon law give very clear guidelines on the heritage of the Eastern Churches and their rights and duties. Long fifty years have elapsed since the Council was convened. It is intriguing to observe that when pre-Vatican II Popes give concrete instructions and directives for promoting and implementing the right to Rite of the faithful of the Eastern Churches, the post conciliar documents betray a lethargic indifference to the effective implementation of the Council documents. It means that, even after 50 years, these documents are either not properly understood or they are not accepted well by the responsible Ecclesiastics, officials in the Roman dicasteries and by the pastors who are responsible for implementing the teachings.

In spite of the re-discovery of the Church as a worshipping assembly by the Council, one cannot but be skeptic about the disinterest shown by the officials in the Roman dicasteries and the members of the Latin hierarchies around the world in recognizing this patristic, eastern and conciliar vision regarding the Church. The disinterest is ever more evident when it comes to implementing effectively the unequivocal instructions of the Popes of pre-Vatican II era and the clear directives enshrined in OE 1-6 regarding the right to rite. Although the post conciliar document *Erga migrantes* speaks of the basic human and religious rights of all the 'peoples' dispersed and displaced in the world, the Latin hierarchs of India seem to think that there are only Roman Catholic migrants in the world.

Looking at the post conciliar lethargy of the "Catholic Church" (OE 1)⁴² to safeguard and promote the legitimate ecclesial patrimony as well as the missionary and pastoral rights and obligations of the Catholic Eastern Churches, one is constrained to think that the Roman dicasteries in general and the Latin hierarchy in India are more interested in exercising and protecting ecclesiastical power and jurisdiction which they enjoy at the expenses of the Eastern Churches, than the great mandate of the Lord to preach the Gospel to all nations (Mt 28:19-20; Mk 16:15-16) which necessarily leads to implanting of the Church and feeding of the sheep by nurturing and forming ecclesial communities through the ministry of teaching, sanctifying and governing (AG 6; RM 48).

⁴⁰ Benedict XVI, *Verbum Domini*, 30 September, 2010, no.105.

⁴¹ Benedict XVI, *Verbum Domini*, no.105.

⁴² Which is this "Catholic Church" OE speaks of?