

# Laity4Unity, Delhi, triumphs – Rome unequivocally Endorses its stand on Eparchy



(Note: All is well that ends well. Finally the battle of wits led by a determined core group of nine with Kurian Joseph as its enlightened leader and thousands of Syro Malabar laity following, that lasted for more than one and a half years from 24th May 2014 to 28th January 28 2016 brought bright smiles with prayerful “thank you Lord” on the faces of the whole battalion and frown on the Eparchy promoters treating laity like chattel or cattle, transferring them from one shed (diocese) to another, ignoring and giving too hoots to the wishes of the transferred.

One of the big bone of contention of Syro Malabar church has been that it should always get “free state certificate” not from a Latin Parish

where the marriage partner is residing but from its own Eparchy headquarters in the area which is done away with now. It has to be from the parish where one resides which alone is most sensible. A second is the seal of approval given that everyone has the right and duty to follow one's Rite and get sacramental service from the parish one resides, irrespective of the Rite of the parish. The Eparchy leadership was adamant that all should be registered members to get sacramental service



More comments to follow after digesting all details and their implications. What follows is introductory comments from Kurian Joseph who takes care to be humble and very subdued and not gloating over, the legitimate victory of the just cause he and his team has been championing. Now please listen to him. james kottoor, editor, ccv)

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## **Message from the Laity4Unity (Delhi) Convenor**

Dear all,

Yesterday evening we met Archbishop Anil Couto of Delhi, who kindly handed over to us the "Instruction" dated 28 January 2016 Ref. 197/2014 in response to our Petition dated 24 May 2014. This "Instruction" came from no less than the Prefect of Congregatio Pro Ecclesiis Orientalibus (Congregation for Oriental Churches). It covers all the SM faithful "residing in the territory of the Eparchy of Faridabad". It is an extremely positive and favourable response and takes into account all the issues and difficulties we highlighted in our Petition.

We were overwhelmed and humbled – and our faith renewed – by the way the Holy Spirit works in the Church. We attach the full 2-page document for your study. Here, however, are the highlights:

1. We remain of Syro-Malabar ancestry, as we had strongly insisted when some people demanded that we join the Latin Rite if we wished to participate in the Latin Church. Clearly no one can take our Syro-Malabar ancestry away from us. Indeed our position – of wanting to remain of SM ancestry and yet stay with the Latin Church – has been described as “most understandable and even praiseworthy”.

2. While retaining our Syro-Malabar heritage, the “Instruction” explicitly states that we “can remain fully involved in the life and activities of the parish of the Latin Church” wherever we are domiciled. This includes explicitly the sacraments of baptism, confirmation and matrimony.

3. For marriages, the documentation required “will be accepted from either the Syro-Malabar pastor or the Latin Pastor of the place of baptism”. Specifically, “both pastors are called ... to facilitate the tranquil and serene prosecution of their life of faith”. In fact, the Congregation has enjoined on the Syro-Malabar Synod to “ask of their Priests the same spirit of willing collaboration whenever a Syro-Malabar faithful who frequents a Latin parish in Delhi requests or participates in the above-mentioned sacraments in Kerala”.

4. Certainly, as we ourselves have been stating from the outset, all the permissions, records and delegation implicit in this will have to be communicated between the Latin parish priest and the “Oriental Pastor”, but the faithful will not get involved in this internal processing. Instead this “inter-ecclesial collaboration should take place with respect, solicitude and promptitude ...”

5. Finally, and probably the most significant statements in the “Instruction” are the following, taken in conjunction with each other:

a) “...The situation can be happily managed, even within the framework of existing law, if all concerned act with mutual understanding and respect”; and b) “This Congregation, ... observing the current canonical norms, confident of the pastoral solicitude of the Pastors, both Latin and Syro-Malabar, considers it neither necessary nor opportune to grant particular indulgences of a general character.” As you know, an Indult is an exception to a general church law. Here, the Congregation holds that what we have asked for is “within the framework of existing law”, so there is no exception required and hence no Indult is called for.

Since our Petition referred to Delhi and the Faridabad Eparchy, the “Instruction” gives this specific context. However, the principles laid down are so clear, and the assertion that all this is “within the framework of existing law” (so that no Indult is “necessary”) so forceful that we believe this will be of universal application.

We therefore propose to have a Thanksgiving service and General Body Meeting in the near future, beginning with Holy Mass and bringing our Petition to a formal and happy close. We will leave it to

the General Body to decide whether to continue Laity4Unity in the present or some other form for continued strengthening of the Church in India. Thank you for your support and may the Holy Spirit continue to guide us.



Kurien Joseph- Delhi

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PS: The instruction from the Congregation of the Oriental churches, as we have received it is given below.

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Prot. No. 197/2014



## Instruction of the Congregation for the Oriental Churches

For many years, the Archdiocese of Delhi has generously provided for the



pastoral care of the Syro-Malabar faithful living within the confines of that ecclesial Circumscription. Consequently, it is not surprising that some members of this Oriental Church, having lived for a long time in a Latin ecclesial context, should experience a sense of disorientation after the erection of the Eparchy of Faridabad of the Syro-Malabar faithful. **Nevertheless, the situation can be happily managed, even within the framework of the law, if all concerned act with mutual understanding and respect.**

In the first place, it could be useful to recall a few juridical points of reference. There does not exist a general right to choose one's rite; rather, there is a duty to follow one's own rite in so far as possible (cfr. CCEO can. 40-3 and can. 35). However, situations arise in which the request to pass to another Church *sui juris* is comprehensible. In the case at hand, the Bishops

concerned are ready to facilitate the passage for anyone desiring it, and the assent of the Apostolic See may be presumed (cfr. CCEO can. 32-2). Care should be taken to register all such transfers according to CCEO can. 37.

Some faithful of the Syro-Malabar Church, who experiences difficulties participating in the parish of their own Church *sui juris*, do not wish to pass over to the Latin Church: this is most understandable and even praiseworthy, in the light of what has been called above. Such persons may exercise their right to participate in the liturgical functions of any Church *sui juris* (cfr. CCEO can. 403-1, CIC can. 923). The Code of Canon Law of the Latin Church emphasizes that the custom of receiving the sacraments in a given Church *sui juris* does not imply ascription to it (CIC can. 112-2).

Consequently, a Syro-Malabar faithful, who, in force of the law itself, is a member of the Syro-Malabar parish where he has domicile (CCEO can. 280-1), can remain fully involved in the life and activities of the parish of the Latin Church. Both pastors are called to understand the delicate situation of such persons and to facilitate the tranquil and serene prosecution of their life of faith.

In practice, this requires that the Latin pastor, who substitutes for the faithful's legitimate pastor, fulfill what is established by law for the following sacraments: baptism, confirmation and marriage. For baptism, the Latin pastor will request permission from the Oriental pastor (cfr. CCEO can. 677-1, 678 and 683). The registration of the baptism is to be made, in the Baptismal

Register of the Latin Parish, specifying the membership in the Syro-Malabar Church. Moreover, the Latin pastor will send to the Oriental Pastor a certificate of the baptism for notification. The same process regards confirmation. **As for marriage, the Latin pastor is the competent minister, as long as one of the two parties is Latin. If, instead, the marriage concerns two Orientals, the Latin pastor will request delegation *ad validitatem* from the Oriental pastor. In the case of mixed marriage or disparity of cult, the competent Hierarch is the Oriental. In all these cases, the Latin pastor will send a notification to the Oriental pastor. Such inter-ecclesial collaboration should take place with respect, solicitude and promptitude, having the spiritual good of the faithful as the final goal.**

**The members of the Synod of Bishops of the Syro-Malabar Church will ask of their Priests the same spirit of willing collaboration whenever a Syro-Malabar faithful who frequents a Latin parish in Delhi requests or participates in the above mentioned sacraments in Kerala. Documentation based upon the register (eg. “free-state certificate”) will be accepted from either the Syro-Malabar pastor or the Latin Pastor of the place of baptism. If other attestations are needed (for example, that the person is currently practicing), these should be given by the Latin Pastor of the parish frequented by the individual.**

**In sum, the faithful ascribed to the Syro-Malabar Church residing in the territory of the Eparchy of Faridabad are subject to the Eparchial Bishop of that ecclesial Circumscription, even if, in practice, they frequent Latin parishes. Nonetheless, let**

them rest assured that their situation is understandable and their motivations respected. All should take care so that these persons do not feel excluded from full involvement in the Latin parish or slighted by the Syro-Malabar parish. On their part, a joyful acceptance of the ecclesial norms is requested, for these serve to foster the harmonious coexistence of the faithful of the various *sui juris* Churches in India.

The Congregation, keeping in mind the necessities of the faithful and observing the current canonical norms, confident of the pastoral solicitude of the Pastors, both Latin and Syro-Malabar, **considers it neither necessary nor opportune to grant particular indults of general character.**

Vatican city, 28<sup>th</sup> January 2016.

Signed

Leonardo Card. Sandri (Prefect)

Signed

Cyril Vasil SJ (Archbishop Secretary)

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(Note: Below we give more tips on the dispute. Also we have translated the document in Malayalam. The dispute was on a pastoral letter issued jointly by the Arch Bishops of Delhi and Faridabad, according to which all Kerala Catholics of Syro-Malabar origin residing in Delhi were obliged to add their names in the rolls of Faridabad Arch Diocese, with immediate effect. It



resulted in a public uprising in Delhi and a lot of mud was found being hurled all around. Since this issue is relevant to all Syro-Malabar Catholics living all over the world, Laity4Unity organizers in Delhi took time and efforts to clarify each and every point in the 'Instructions'. This is a document which should be kept with all Syro-Malabar Catholics living outside Kerala, for it clarifies their right to receive sacraments from Latin Rite, without losing their ancestral patronage in Kerala.



Joseph Mattappally – Asso. editor)

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## Understanding the Rome “Instruction” of January 2016 on the Syro-Malabar issue

*Background (for your understanding):*

*What our Petition of 24 May 2014 had asked for.*

*First, we prayed that His Holiness would expand the scope and maintain the spirit of the indult issued by St. John Paul II, for Mumbai in 1993 by issuing unequivocal rulings that apply to all migrants, not only in Delhi but all over the world.*

*Second, we prayed that the spirit of the Indult issued in Mumbai 1993 be extended to Delhi immediately. In short, that His Holiness paternally guide the two Archbishops to consider withdrawing altogether the JPL of 1 November 2013. This was an interim prayer, the final petition begins at no. 3 below; as we did not know if the Church would take such an over-riding decision as requested at No. 3 below in the very first instance.*

*Third (and this was the substantive petition), we prayed His Holiness promulgate a universal edict that no one may pass any law, develop any policy or prescribe any procedure that will erect legalistic*

*or bureaucratic barriers between one church and another. "Unity", must not be destroyed on grounds of "diversity"*

Instruction of the congregation for the oriental churches

Concerning the request of some faithful of the Syro-Malabar Church residing in Delhi

To be permitted to receive the sacraments in the Latin Church

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*മലയാളം വിവർത്തനം (Malayalam Translation)*



ലത്തീൻ റീത്തിന്റെ കീഴിലുള്ള പള്ളികളിൽ നിന്നും തുടർന്നും കൂദാശകൾ സ്വീകരിക്കാൻ അനുവദിക്കണമെന്നാവശ്യപ്പെട്ട ഡൽഹി നിവാസികളായ സീറോ-മലബാർ സഭാവിശ്വാസികൾക്ക്

പൗരസ്ത്യസഭകൾക്കായുള്ള വത്തിക്കാൻ തിരുസംഘം നൽകുന്ന നിർദ്ദേശങ്ങൾ:

നിരവധി വർഷങ്ങളായി, സ്വന്തം ഔദ്യോഗിക ഭരണപരിധിക്കുള്ളിലായിരുന്ന (the confines of that ecclesial circumscription) സീറോ-മലബാർ സഭാംഗങ്ങളുടെ വിശ്വാസപരമായ ആവശ്യങ്ങൾ, ഡൽഹി അതിരൂപത സന്മനസ്സോടെ നിർവ്വഹിച്ചുപോന്നു. സന്ദർഭവശാൽ, സീറോ-മലബാർ വിശ്വാസികളുടേതു മാത്രമായി ഫരിദാബാദിൽ ഒരു എപ്പാർക്കി സ്ഥാപിക്കപ്പെട്ടപ്പോൾ, ലത്തീൻ പശ്ചാത്തലത്തിൽ ഏറെക്കാലമായി വിശ്വാസജീവിതം നയിച്ചുപോന്ന കുറച്ചുപേർക്കെങ്കിലും ഒരു അഭിവിന്യാസനഷ്ടം (disorientation) തോന്നിയെങ്കിൽ അതിൽ ഒട്ടും അതിശയോക്തി തോന്നേണ്ട കാര്യമില്ല. ശ്രദ്ധേയമായ കാര്യം, ബന്ധപ്പെട്ട എല്ലാവരും പരസ്പര

ധാരണയോടും ബഹുമാനത്തോടുംകൂടെ സഹകരിക്കുന്നുവെങ്കിൽ, തൽസംബന്ധമായി ഉടലെടുത്ത പ്രശ്നങ്ങൾ നിലവിലുള്ള നിയമങ്ങളുടെ സഹായത്തോടെ പരിഹരിക്കാവുന്നതേയുള്ളൂ എന്നതാണ്.

ആദ്യം, ഇവിടെ പ്രസക്തമായിട്ടുള്ള ഭരണഘടനാപരമായ ഏതാനും ചട്ടങ്ങൾ (few juridical points of reference) പരിശോധിക്കാം. യാതൊരാൾക്കും യഥേഷ്ടം ഒരു റീത്തു തിരഞ്ഞെടുക്കുവാനുള്ള അവകാശമില്ല (a general right to choose one's rite); പകരം, സാധ്യമായിരിക്കുന്നിടത്തോളം സ്വന്തം റീത്തിൽ തന്നെ തുടരുകയെന്നത് ഒരാളുടെ കടമയെന്നാണ് (cfr. CCEO can.40 §3 and can.35) സഭാനിയമം അനുശാസിക്കുന്നത്. എങ്കിലും, മറ്റൊരു റീത്തിലേക്ക് മാറ്റം ആവശ്യപ്പെടേണ്ടി വരുന്ന (sui iuris) ചില സാഹചര്യങ്ങളും ഉണ്ടാവാമെന്ന് മനസ്സിൽ വയ്കേണ്ടതുണ്ട്. നിലവിലെ സ്ഥിതിയിൽ (പരാമർശിക്കപ്പെട്ട സാഹചര്യത്തിൽ), ബന്ധപ്പെട്ട രൂപതാധ്യക്ഷന്മാർ, ഒരു വിശ്വാസി അവൻ/അവൾ ആഗ്രഹിക്കുന്ന റീത്തിലേക്ക് മാറുന്നതിന് ആവശ്യമായ സഹായങ്ങൾ ചെയ്തു തരുന്നതിന് തയ്യാറാണ്; ഇതിൽ യാതൊരപാകതയും പരിശുദ്ധ സിംഹാസനം കാണുന്നില്ല (cfr. CCEO can. 32 §2). പക്ഷേ, ഇത്തരം മാറ്റങ്ങളെല്ലാം CCEO can.37 എന്ന വകുപ്പു പ്രകാരമാണെന്ന് ഉറപ്പു വരുത്തേണ്ടതാണ്.

സീറോ-മലബാർ റീത്തിൽപ്പെട്ട, സ്വന്തം (the parish of their own Church *sui iuris*,) സഭയിലെ പള്ളികളിൽ പങ്കുചേരാൻ ബുദ്ധിമുട്ടനുഭവിക്കുന്ന കുറെ വിശ്വാസികൾ ലത്തീൻ പള്ളിയിൽ നിന്നുംമാറി പോരാൻ ആഗ്രഹിക്കുന്നില്ലായെന്ന് എടുത്തിരിക്കുന്ന നിലപാട് മനസ്സിലാക്കാവുന്നതേയുള്ളൂ; എന്നുമാത്രമല്ല, മുകളിൽ സൂചിപ്പിച്ചിരിക്കുന്ന നടപടിക്രമാനുസൃതം അത് അഭിനന്ദനാർഹവുമാണ്. അങ്ങനെയുള്ള ആളുകൾ അവർക്കിഷ്ടമുള്ള ഏതെങ്കിലും പള്ളിയിലെ ശുശ്രൂഷകളിൽ

പങ്കെടുക്കട്ടെ – sui iuris (cfr. CCEO can. 403 §1, CIC can. 923). ലത്തീൻ റീത്തിനെ ബാധിക്കുന്ന കാനോൺ നിയമപ്രകാരം ആ റീത്തിൽ നിന്നും കൂദാശകൾ സ്വീകരിക്കുന്നവർ അതിനു വിധേയരായവർ മാത്രമായിരിക്കണമെന്നില്ല (CIC can.112 §2). ഇതനുസരിച്ച്, നിയമാനുസൃതം ഏതെങ്കിലുമൊരു സീറോ-മലബാർ ഇടവകയിൽപ്പെട്ട ഒരു വിശ്വാസിക്ക്, പ്രവാസിയായിരിക്കെ, (CCEO can. 280 §1) അവനായിരിക്കുന്ന ലത്തീൻ പള്ളിയിലെ എല്ലാ കാര്യങ്ങളിലും പൂർണ്ണമായി ഉൾപ്പെട്ടിരിക്കാൻ കഴിയും. ഇത്തരം ഒരു സാഹചര്യത്തിന്റെ ദൗർബല്യം മനസ്സിലാക്കി രണ്ടു വിഭാഗത്തിൽപ്പെട്ട സഭാശുശ്രൂഷകരും വ്യക്തിയുടെ വിശ്വാസജീവിതത്തിന്റെ വളർച്ച ലക്ഷ്യമാക്കി പ്രവർത്തിക്കേണ്ടതാണ്.

ഫലത്തിൽ, ഈ വ്യക്തിയുടെ നിയമാനുസൃതമുള്ള സഭാ മേലധികാരികളിൽ നിന്ന് ലഭിക്കേണ്ടിയിരുന്ന മാമ്മോദീസാ, സ്വൈര്യലേപനം, വിവാഹം എന്നീ കൂദാശകൾ ലത്തീൻ റീത്തിലെ വൈദികൻ നിർവ്വഹിക്കേണ്ടതാണ്. മാമ്മോദീസായുടെ കാര്യത്തിൽ ലത്തീൻ മേലധികാരി പരാമർശിക്കപ്പെട്ട പൗരസ്ത്യ സഭാധികാരികളോട് അനുവാദം ചോദിക്കേണ്ടതുണ്ട് (cfr. CCEO can.677 §1, 678 and 683). മാമ്മോദീസാ, ലത്തീൻ പള്ളിയിൽതന്നെ, സീറോമലബാർ അംഗം എന്ന സൂചനയോടെ രജിസ്റ്റർ ചെയ്യണം. മാത്രമല്ല, ലത്തീൻ മേലധികാരി മാമ്മോദീസാ സർട്ടിഫിക്കറ്റിന്റെ പകർപ്പു ബന്ധപ്പെട്ട പൊരസ്ത്യസഭാ മേലധികാരിക്ക് അയച്ചു കൊടുക്കേണ്ടതുമാണ്. ഇതേ നടപടിക്രമം തന്നെയാണ് സ്വൈര്യലേപനത്തിന്റെ കാര്യത്തിലും അനുവർത്തിക്കേണ്ടത്. വിവാഹത്തിന്റെ കാര്യത്തിൽ, കക്ഷികളിലൊരാൾ ലത്തീൻ റീത്തിലുള്ളതാണെങ്കിൽ തീരുമാനം എടുക്കാനുള്ള പൂർണ്ണമായ അധികാരം ലത്തീൻ സഭാധികാരിക്ക് തന്നെയായിരിക്കും. അതേ സമയം, വിവാഹം രണ്ടു പൗരസ്ത്യ റീത്തംഗങ്ങൾ തമ്മിലുള്ളതാണെങ്കിൽ, ലത്തീൻ പാസ്റ്റർ പൊരസ്ത്യ

റീത്തധികാരികളിൽ നിന്നും അനുവാദവും ബന്ധപ്പെട്ട രേഖകളും വാങ്ങിയിരിക്കേണ്ടതാണ്. മിശ്രവിവാഹത്തിന്റെ കാര്യത്തിലും അന്തിമ തീരുമാനം പൊരസ്ത്യ റീത്തിലെ മേലധികാരിയുടേതായിരിക്കും. ചുരുക്കത്തിൽ, എല്ലാ സാഹചര്യങ്ങളിലും ലത്തീൻ പാസ്റ്റർ പൊരസ്ത്യ സഭാധികാരിയെ വിവരം അറിയിക്കേണ്ടതുണ്ട്. ഈ സഭാതല സഹകരണം വിശ്വാസിയുടെ ആത്മീയ വളർച്ച ആത്യന്തിക ലക്ഷ്യമായെടുത്ത്, പരസ്പര ബഹുമാനത്തോടെയും ഉത്തരവാദിത്വത്തോടെയും സമയബന്ധിതമായി ബന്ധപ്പെട്ടവർ നടപ്പാക്കിക്കൊടുക്കേണ്ടതാണ്.

ഡൽഹിയിൽ ലത്തീൻ റീത്തിൽ ആയിരിക്കുന്ന ഒരു സീറോമലബാർ വിശ്വാസി, മേൽപ്പറഞ്ഞ ഏതെങ്കിലും കൗദാശികാവശ്യം കേരളത്തിൽ ആവശ്യപ്പെടുകയോ അതിൽ സംബന്ധിക്കുകയോ ചെയ്യുമ്പോൾ, സഹകരണമനോഭാവത്തോടെ അതു ചെയ്തുകൊടുക്കാൻ സീറോ-മലബാർ സഭയുടെ മെത്രാൻസമിതി, തങ്ങളുടെ കീഴിലുള്ള വൈദികരോട് നിഷ്കർഷിക്കേണ്ടതുമാണ്. മാമ്മോദീസാ രജിസ്റ്റർ പ്രകാരമുള്ള അംഗത്യാവസ്ഥയെ (e.g. “free state certificate”) അടിസ്ഥാനമാക്കിയുള്ള സർട്ടിഫിക്കറ്റുകൾ ഇരു കൂട്ടരും അംഗീകരിച്ച് സ്വീകരിക്കേണ്ടതാണ്. കൂടുതൽ വ്യക്തത ആവശ്യമായി വരുന്ന സന്ദർഭങ്ങളിൽ, വ്യക്തി ഉൾപ്പെട്ടിരിക്കുന്ന ലത്തീൻ പള്ളിയിലെ അധികാരിയാണ് അതിനാവശ്യമായ രേഖകൾ തയ്യാറാക്കേണ്ടത്.

ചുരുക്കത്തിൽ, ഫരിദാബാദ് രൂപതയുടെ ഔദ്യോഗികാതിർത്തിയിൽ താമസിക്കുന്ന സീറോ-മലബാർ സഭാംഗങ്ങൾ, അവർ ആശ്രയിക്കുന്നത് ഏതെങ്കിലും ലത്തീൻ പള്ളി ആയിരുന്നാലും, ഫരിദാബാദ് എപ്പാർക്കി മെത്രാന്റെ കീഴിൽ തന്നെയായിരിക്കും തുടരേണ്ടത്. അവരുടെ സാഹചര്യം

മനസ്സിലാക്കുകയും അവരുടെ ഉദ്ദേശ്യത്തെ ബഹുമാനിക്കുകയും ചെയ്തു കൊണ്ട്, അവരെ ലത്തീൻ ഇടവകയുടെ കാര്യങ്ങളിൽ നിന്നൊഴിവാക്കുകയാണെന്നോ സീറോ മലബാർ സഭ അവരെ നിർവ്വീര്യരാക്കുകയാണെന്നോ വരുത്തിതീർക്കാതിരിക്കാൻ എല്ലാവരും ശ്രദ്ധിക്കേണ്ടതുണ്ട്.

രണ്ടു റീത്തിന്റെ കാര്യത്തിലും ഇപ്പോഴുള്ള നടപടിക്രമങ്ങൾ പാലിച്ചുകൊണ്ട് തന്നെ, സഭാംഗങ്ങളുടെ ആവശ്യങ്ങൾ അവസരോചിതമായി നിറവേറ്റുന്ന കാര്യത്തിൽ പൊതു സ്വഭാവമുള്ള എന്തെങ്കിലും ഒഴിവ് ഇപ്പോഴുള്ള നിയമങ്ങളിൽ വരുത്തേണ്ടതില്ലെന്നും ഈ തിരുസംഘം കരുതുന്നു.

വത്തിക്കാൻ സിറ്റി

28 ജനുവരി 2016

ഒപ്പ്  
കർദ്ദിനാൾ ലെയനാർഡോ സാന്ദ്രി

പ്രിഫെക്റ്റ്

ഒപ്പ്  
സിറിൽ വാസിൽ എസ് ജെ,  
ആർച്ച് ബിഷപ്പ് സെക്രട്ടറി

.....

## **Clause by Clause Explanation (Laity4Unity)**

### The Rome Document (text)

The Title of the Document

“Instruction of the congregation for the oriental churches

Concerning the request of some faithful of the Syro-Malabar Church residing in Delhi

To be permitted to receive the sacraments in the Latin Church

## Our Comments and Explanations

This document came by mail (hard copy) and was addressed explicitly to the two Bishops who signed the Joint Pastoral Letter (JPL). In its body, it also addressed the SM Synod, as we will show. It is signed by Leonardo Cardinal Sandri, Prefect of the Congregation for the Oriental Churches.

*Please note:* the document is an “Instruction” to all of them. It is not an “idea” or a “suggestion”; it is not a “proposal”; it is not a “concept note for discussion”. It is not a “subject for debate” by the bishops concerned or by the SM Synod. It is explicitly an “Instruction” to them. What does that mean?

In any hierarchy, an “instruction” to someone, coming from a person that has authority over that someone, is a command. It is a command from the Congregation for the Oriental Churches, the supreme authority under the Holy Father, on this issue.

This “Instruction” directly concerns “the request of some faithful of the Syro-Malabar church who reside in Delhi, to be permitted to receive the sacraments in Latin Church.” In other words, it is issued in response to our Petition of 24 May 2014.

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## The Rome Document (text)

For many years, the Archdiocese of Delhi has generously provided for the pastoral care of the Syro-Malabar faithful living within the confines of that ecclesial circumscription. Consequently, it is not surprising that some members of this Oriental Church, having lived for a long time in

a Latin ecclesial context, should experience a sense of disorientation after the erection of the Eparchy of Faridabad of the Syro-Malabar faithful. Nevertheless, the situation can be happily managed, even within the framework of existing law, if all concerned act with mutual understanding and respect.

### Our Comments and Explanations

Recognizing the role that all of us know that the Latin Archdiocese of Delhi has played in our spiritual development over a century or so, the Church also finds it quite understandable, “not surprising”, that we have “a sense of disorientation” with the coming of the SM eparchy – the same phrase used in the indult of Bombay.

*[Here we will not go into the finer points of Canon Law, which we quoted in our Petition, and under which we argued that the SM Church having come to Delhi 103 years after the latter’s establishment, forfeited its “rights” over us the moment the period crossed 100 years. Leaving aside this legalistic issue, the Church understands our “sense of disorientation” and we are happy to leave it at that.]*

What is critical here is that the Church emphasizes that “even within the framework of existing law” this problem “can be happily managed’. Two consequences immediately flow out of this unequivocal statement. First, the SM Eparchy is wrong when it claims that we are flouting canon laws. Second, since this is “within the framework of existing law”, there is no need for a special concession or exception, which is called an “Indult”. In other words, no Indult is required. So the SM Church’s public statements that no Indult was issued is a deliberate misinterpretation to the public. Quite obviously, if no Indult is required, why would one be issued?



Thus the document gently but firmly clarifies that the problem could easily have been sorted out and solved locally here in Delhi ‘within the framework of the existing law’ by the Bishops concerned. Remember, the petitioners had met both the Bishops and even the Apostolic Nuncio in this regard – without receiving a solution! While the Latin Archdiocese was prepared to listen and reconsider the Joint Pastoral Letter of November 2013, the Faridabad Eparchy remained intransigent on its stand that “basically there is no choice” for the faithful of Syro-Malabar ancestry.

What next? “All concerned” should “act with mutual understanding and respect”. We have every intention to do that. However, is this not an implicit comment to the Bishops to whom the Instruction is addressed that, so far, this Christian spirit was missing?

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### The Rome Document (text)

In the first place it could be useful to recall a few juridical points of reference. There does not exist a general right to choose one’s rite; rather, there is a duty to follow one’s own rite insofar as possible (cfr. CCEO can.40 §3 and can.35).

However, situations arise in which the request to pass to another Church *sui iuris* is comprehensible. In the case at hand, the Bishops concerned are ready to facilitate the passage for anyone desiring it, and the assent of the Apostolic See may be presumed (cfr CCEO can.32 §2).

Care should be taken to register all such transfers accordingly to CCEO can.37.

### Our Comments and Explanations

“There does not exist a general right to choose one’s rite”. This is easily understood in the context of the word “ascription”, used at other points in the document. “Ascription” is something that is given to us, beyond our control; e.g. race, gender. In the same way we are “ascribed” a rite simply by the fact of our birth.

What is explicitly emphasized here, and what was emphasized in a meeting one of our representatives had with Cardinal Sandri in April three months after the issue of the Instruction, was the proviso, “as far as possible”. His Eminence also stated to our representative that the diversity in the Church was perceived to be part of its richness and beauty, but under no circumstances was it intended to divide people. This principle was stated in our Petition; and this sentiment can be easily shared by the vast majority of Indians, who see their country being deliberately fragmented by unsavoury characters and groups setting off its diverse communities against one another.

In the case of situations where people want to change their Rite, the Bishop signatories of the JPL had already expressed their willingness to facilitate the process. Our Petition, however, was unambiguously from those people who do not want to change our Rite; and, under Canon Law, no Bishop is permitted to induce such change in any way. Unfortunately, the SM Church, by repeatedly taunting the faithful with “Why don’t you change your Rite to Latin?” was contravening an explicit prohibition (cited in our Petition) in Canon Law

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## The Rome Document (text)

Some faithful of the Syro-Malabar Church, who experience difficulties participating in the parish of their own Church *sui iuris*, do not wish to pass over to the Latin Church: this is most understandable and even praiseworthy, in the light of what has been recalled above. Such persons may exercise their right to participate in the liturgical functions of any church *sui iuris* (cfr. CCEO can.403 §1, CIC can.923). The Code of Canon Law of the Latin Church emphasises that the custom of receiving the sacraments in a given Church *sui iuris* does not imply ascription to it (CIC can.112 §2).

## Our Comments and Explanations

As for those of us who are proud of their SM heritage and at the same time wish to be an intrinsic part of the Latin church, the Church finds our position “most understandable and even praiseworthy”. This is a direct rebuttal of the specious argument advanced by some members of the SM laity, with apparent encouragement from the Syro Malabar hierarchy. Why, they had asked (with no idea of the meaning of Church), are you keeping your feet in two boats?

Most Indians would immediately understand why this is 'praiseworthy'. If a Punjabi pop singer gives excellent renditions of Subbalakshmi's Carnatic music, would you decry his efforts? Would you ask him why he is putting his feet into two boats – Punjabi pop and Carnatic classical? Or would you rather find his effort “praiseworthy”?

Alternatively, most Catholics would find it clearly 'praiseworthy' if a Latin Priest devotes his ministry to serving leprosy patients in a

Syro-Malabar diocese. Would it not be absurd – and un-Christian – for anyone to ask him why he is putting his feet into two boats – Latin and Syrian?

The Church clarifies beyond all doubt that, within the existing laws, such persons may “exercise their right” to participate in the liturgical functions of any church *sui iuris* (autonomous church). Note this is a “right”, not a favour being granted by a local Bishop or even by the Syro-Malabar Synod.

Also, simply because you exercise this “right” in a Latin Church you do not become “ascribed” to it – your SM heritage remains with you undiminished. If you, as a Syro-Malabar person participate fully in the Latin Church, you don’t automatically become Latin. Your SM heritage stays with you – it is ascribed to you, that’s the way you are, that’s your ancestry, that’s your birth-right.

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**The Rome Document (text)**

Consequently, a Syro-Malabar faithful, who, in force of the law itself, is a member of the Syro-Malabar parish where he has domicile (CCEO can. 280 §1), can remain fully involved in the life and activities of the parish of the Latin Church.

Both the pastors are called to understand the delicate situation of such persons and to facilitate the tranquil and serene prosecution of their life of faith.

**Our Comments and Explanations**

You do not by any means have to ask anyone's permission to exercise this "right" to take part and be fully involved in the life and activities of the Latin Church. This "Instruction" is addressed to the two pastors, the Bishops and, by implication, all who draw authority from them. In the first place, both the pastors (both Bishops) are explicitly called to show understanding of "the delicate situation of such persons".

But the "Instruction" goes far beyond: they are commanded to make it possible for such people to deal with their life of faith in a calm ("tranquil") and peaceful ("serene") atmosphere. The Church is repeating even more strongly its earlier exhortation to act with mutual understanding and respect. In other words, the Church is not just laying down the letter of the law; it is "instructing" the pastors even on the spirit in which they are to practise the law.

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### The Rome Document (text)

In practice, this requires that the Latin pastor, who substitutes for the faithful's legitimate pastor, fulfil what is established by law for the following sacraments: baptism, confirmation and marriage. For baptism, the Latin pastor will request permission from the Oriental pastor (cfr. CCEO can.677 §1, 678 and 683). The registration of the baptism is to be made in the Baptismal Register of the Latin parish, specifying the membership in the Syro-Malabar Church. Moreover, the Latin pastor will send to the Oriental pastor a certificate of the baptism for notification. The same process regards confirmation. As for marriage, the Latin pastor is the competent minister as long as one of the two parties is Latin.

If, instead, the marriage concerns two Orientals, the Latin pastor will request delegation ad validitatem from the Oriental pastor. In the case of mixed marriage or disparity of cult, the competent Hierarchy is the Oriental. In all these cases, the Latin pastor will send a notification to the Oriental pastor.

Such inter-ecclesial collaboration should take place with respect, solicitude and promptitude, having the spiritual good of the faithful as the final goal.

### Our Comments and Explanations

The SM faithful have no problem and have never had a problem in accepting the fact that, being of SM ancestry, their “legitimate pastor” (shepherd in the law) is the SM bishop. What they have objected to, and will continue to object to, is any authoritarian behaviour by an SM (or a Latin) pastor, especially through misuse of the sacraments. The law and the sacraments are not meant to be used by pastors to go against the fundamental faith of the people. So the Church lays down explicitly here that the Latin pastor will have to “fulfil what is established by law for the following sacraments: baptism, confirmation and marriage”.

Lest there be any misunderstanding or legal or bureaucratic quibbling here, the Church gives clear instructions for all three sacraments. The registration of the baptism is to be made in the Baptismal Register of the Latin parish, specifying that the baptised person is a member of the Syro-Malabar Church. *[This is easily understood. There are statistical reasons for this. That is how you would know how many people of Latin or Syro-Malabar or Chaldean or Ukrainian “ascription” exist in the world.]* But the instructions imply clearly that the people

must not be harassed. We don't have to run around. We don't have to plead with anyone who tries to make things difficult for us.

Specifically, if the marriage concerns two SM people, the Latin pastor (not the candidate himself or herself!) will request "delegation" and "validation" from the Oriental pastor. Again we don't come into the picture. Our Latin pastor does it on our behalf.

Finally (just in case either pastor hasn't got the idea yet), here comes further emphasis: "such inter-ecclesial collaboration should take place with respect [no authoritarianism], solicitude [concern] and promptitude [no delays]". The Church's no-nonsense firmness on these aspects is evident.

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### The Rome Document (text)

The Members of the Synod of Bishops of the Syro-Malabar Church will ask of their Priests the same spirit of willing collaboration whenever a Syro-Malabar faithful who frequents a Latin parish in Delhi request or participates in the above- mentioned sacraments in Kerala. Documentation based upon the register (e.g. "free state certificate") will be accepted from either the Syro-Malabar pastor or the Latin Pastor of the place of baptism. If other attestations are needed (for example, that the person is currently practicing), these should be given by the Latin pastor of the parish frequented by the individual.

### Our Comments and Explanations

Now, the "Instruction" (i.e. command) goes to the Synod of Bishops of the SM Church, which had started the whole problem in the first place

by restraining their priests from accepting *status liber* certificates (marriage NOCs) from Latin priests. They are to “ask of their Priests the same spirit of willing collaboration (note, not reluctant acceptance!)”. In other words, they are to comply with all good will. They cannot escape from this very strict condition imposed by the Church.

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### The Rome Document (text)

In sum, the faithful ascribed to the SM church residing in the territory of the Eparchy of Faridabad are subject to the Eparchial Bishop of that ecclesial Circumscription, even if, in practice, they frequent Latin parishes. Nonetheless, let them rest assured that their situation is understandable and their motivations respected. All should take care so that these persons do not feel excluded from full involvement in the Latin parish or slighted by the SM parish. On their part, a joyful acceptance of the ecclesial norms is requested, for these serve to foster the harmonious coexistence of the faithful of the various sui iuris Churches in India.

### Our Comments and Explanations

To sum up, as SM faithful belonging to the SM church yet fully immersed in our Latin parishes, we would naturally come under the SM Bishop. However, this does not give any kind of authoritarian *carte blanche* to the SM Eparchy. The Church in Rome, far higher than the Eparchy, and the Synod to which the Eparchy reports, gives us its overriding assurance that our situation is understandable.



Not only that, “all” (a clear reference to the SM Eparchy and indeed to some unwilling Latin pastors) are to “take care” that we “do not feel excluded from full involvement” in our respective Latin parishes. So no pastor, SM or Latin, may say, you can’t come here because you are Syrian, or you can’t join the SVP, or you can’t be in the Parish Council. Also, none may be “slighted by the SM parish” either. And whose responsibility is it to ensure that such things do not happen? The two Bishops, the SM Synod, every pastor.

Finally, only “a joyful acceptance of the ecclesial norms“ will “serve to foster the harmonious coexistence of the faithful of the various *sui iuris* Churches in India”. The Church enjoins on all of us to make it work.

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### The Rome Document (text)

This Congregation, keeping in mind the necessities of the faithful and observing the current canonical norms, confident of the pastoral solicitude of the Pastors, both the Latin and Syro-Malabar, considers it neither necessary nor opportune to grant particular indulgences of a general character.

Vatican City, 28 January 2016.

### Our Comments and Explanations

We now address the important issue that has been so deliberately misrepresented by the SM Synod and the Faridabad Eparchy.

Expressing confidence that both the Bishops will show genuine concern for the spiritual well-being of all the faithful, and having made it clear right at the outset that this problem can be sorted out with good

will within the existing laws, the “Instruction” quite logically concludes that no exception (or Indult) to these existing laws is called for. The logic is clear: if the law permits an action, why should there be a special exception to permit that already permitted action?

In fact, this is what we said at a meeting with the SM Eparchy team a few months prior to the issuance of the “Instruction”. We categorically told the Faridabad Eparch we did not want an Indult; because that would sound like a special exception for the Petitioners. We wanted a rollback of the JPL for the whole church. This ruling from the Church is crystal clear: what we are asking for is within Church laws, so we don’t need to be given an special concession or exception – in the words of the “Instruction”, no indult is “necessary”.

### *Conclusion:*

*This is why we proclaim that the Instruction from Rome is an extremely positive and favourable response and takes into account all the possibilities and difficulties we highlighted in our petition.*

*Also, by ruling that our request is within existing church laws, it is clear to us that the Church is laying down – for all to note – certain important universal principles.*

*Laity4Unity Coordinating Group (Delhi)*