

Why the Peace of 1958 Foundered

The re-united factions of the Malankara Orthodox Church belonged to the same stock, shared a common history, and dressed and worshipped alike, but what remained hidden from the naked eye were the structural fault lines which finally caused the eruptions of the 1970s, says **Georgy S. Thomas**

Part 1. Orthodox Church Got A Few Things Right

Those who cannot remember the past are condemned to repeat it _ George Santayana, *The Life of Reason*.

The peace of 1958 was welcomed by the laity across the aisle, and ushered in a period of healing in the battered community. Families were reunited, calm prevailed in parishes, and slowly but surely, the Malankara Orthodox Syrian Church started burnishing its credentials once again as the Mother Church of India.

Yet the peace foundered as what began as distrust and bickering in the 1960s erupted into a full-blown conflict by the 1970s. Many theories abound as to why the peace of 1958 did not last. Most of them focus on personalities and events. As a Sociologist, I am trained to consider them all as 'noise', i.e. after-the-fact explanations or deliberate smokescreens. Instead, my interest was always in the structural foundations of the conflict. Through diligent research, I've now unearthed enough material to formulate a credible hypothesis on what was the core issue for the collapse of the peace of 1958. This hypothesis has to be tested through vigorous debates involving the best minds from both sides of the divide. Those debates will hopefully spawn fresh and unique insights to build lasting peace in this divided original Church of India.

This is the schema I've adopted:

- I will first list the positive decisions taken by the Malankara Orthodox Church during the period.
- I will then consider some of the alleged missteps.

The analysis of structural issues perforce has to be divided into three:

- Fake issues or noise
- Fake core issue or the artificially created primary cause for the discord
- And finally, the core issue or the primary reason why the peace of 1958 foundered

Graceful Accommodation of Jacobite Interests

Let's start on a positive note. Hindsight gives one 20/20 vision. Therefore, it's fashionable now to blame the Church for many missteps. But these critics are either unaware of or deliberately gloss over the graceful manner in which the Church took many decisions to accommodate the Jacobites.

The magnanimity with which it was decided not to levy the litigation costs from the Jacobites, amounting to Rs 1.5 lakh (Rs 57 lakh at today's prices), a princely sum in those days, comes to mind immediately. Also, the managing committee, the highest decision-making body of the laity, was reorganized to include representatives from the erstwhile Jacobite faction as well.

When the dioceses were re-organised, both Vayaliparambil Geevarghese Mar Gregorios and Mulayirickal Paulose Mar Severios were allowed to continue as Metropolitans with independent charge of Ankamali and Kochi dioceses respectively of the united Church. Many parishes, which had remained with the Catholicate since the time of the split in 1911, like the St. George Church at Kunnakurudi, Arthat St Mary's Church at Kunnankulam, St Mary's Church at Pazhanji, and St. Ignatius Church at Thrissur, were placed under the administrative control of these two metropolitans to honour the spirit of unity.

Further, Articles 42 and 134 of the 1934 Constitution were removed, and Articles 6 to 44 of the same constitution, which dealt with the administration of the parishes, were amended in deference to the wishes of the united managing committee.

The Church also made it a practice to nominate representatives from the erstwhile Jacobite faction to attend ecumenical fora in India and abroad. Thus Abraham Mar Clemis represented the Malankara Orthodox Church at the third assembly of the World Council of Churches at New Delhi in 1961 along with Thoma Mar Dionysius. This was the first time anyone from the Jacobite faction had attended a WCC assembly.

Similarly, at the conference of the Oriental Orthodox Churches held at Addis Ababa in 1965, Paulose Mar Philoxenos of the erstwhile Jacobite faction attended as a delegate, along with Catholicos Augen.

Even priests were honoured. Rev. Fr. Kurian Kaniamparambil, a well-known Syriac scholar, was made the director-general of the Sunday School Association. Rev. Fr. N K Koruth, Syriac Malpan at the Jacobite Malecruz Dayro, was given the same position at the Old Seminary, which he held till his death in 2001.

Also, the 1964 elevation of Augen Mor Themotheos as the successor to Catholicos Baselius Geevarghese II, was done in the spirit of reconciliation. Mar Augen was a bishop of the Jacobite faction till 1942, when he made bold to proclaim his allegiance to the Catholicate.

Finally, to buttress the reunion, the Church leadership made no attempts to bypass or dodge the mandatory requirement imposed by the 1934 Constitution to invite the head of the Syriac Church for the consecration of the new Catholicos "should there exist a Patriarch accepted by the Malankara Church" (Article 114). After the mutual acceptance of 1958, there did exist such a Patriarch at that point of time, and the invitation was thus duly sent by the Holy Synod to Patriarch Yakub III, who gracefully consented to preside over the ceremony.

Since the peace was sundered in the 1970s, we can now say with conviction that the invite was a strategic mistake. For starters, the event allowed the Patriarch to insist and negotiate an agreement curtailing the jurisdiction of the historic office of the Catholicos of the East to areas "east of Arabian countries or Persia". Second, the myth-making Jacobite machinery got the

opportunity to create the fiction that a Maphryanite was established at Malankara in 1964, and that the events of 1958 had no meaning. It also allowed some truly vulgar Jacobite souls to spin a web of lies around the ceremonial robes worn by Catholicos Augen during the consecration ceremony. All these could have been avoided had the fourth Catholicos of the Malankara Church been consecrated like his two immediate predecessors, without the presence of a Patriarch. But peace came with a huge price tag, and the Church was willing to pay it.

Alleged Missteps: How Genuine Are The Charges?

The 1958 judgement came 20 years after First Samudayam Case was filed by the Patriarchal faction. In the run-up to the judgement, except for the district court ruling of 1943, all other judgements in the Travancore, and later the Kerala High Courts (in 1946, 1951, and 1956), had gone against the Malankara Orthodox Church. All the peace negotiations after the events of 1911 were initiated by the Malankara Orthodox Church. Notable among them were Vattasseril Dionysius Thirumeni's visit to Patriarch Elias III at Mardin in 1923 (June to September), negotiations during the same Patriarch's visit to Malankara in 1931, Catholicos Baselius Geevarghese's II's visit to Patriarch Aphrem at Homs (June to September 1934), visit to the same Patriarch at Homs by Rt. Rev. Bishop Herbert Pakenham Walsh (April 1935), Aluva peace negotiations in 1941 at the initiative of K C Chacko, founder of UC College, and the Peace League Satyagraha at Chingavanam in 1950. Almost all of them collapsed in acrimony and humiliation. After the Catholicos' Homs visit in 1934, for instance, the supposedly erudite scholar Patriarch Aphrem delivered a bull to Jacobites in Malankara (dated 26 September 1934), describing him as "old man Punnoose".

Jacobites at that point wanted nothing short of complete takeover of the Church, humiliation of the Malankara Orthodox Church by submitting its bishops and priests to a process of re-ordination, and snuffing out of all traces of the Church's independence and self-respect.

This was the context in which the 1958 judgement was delivered by the Supreme Court, when unexpectedly the tables were turned, and the Jacobite bishops ended up giving submission deeds. Rumours and innuendo are the balm of the vanquished, since they provide them with some sense of control over adversity. Recently to my shock and disbelief, Rev. Fr. K K John, one of our priests in the US with a Jacobite background, provided a compilation of rumours in circulation then, citing them as examples of missteps by the Malankara Orthodox Church. Let's examine a few of them.

1.) Continuous insults against Paulose Mar Philoxenos

This Thirumeni turned a willing insurgent against the peace from the get-go since he bristled against being appointed junior metropolitan of Kandanad under Mar Augen. His approach was totally wrong. Had he taken a long-term view, he would have realized that Catholicos Geevarghese II was then at an advanced age and as the senior-most metropolitan, Mar Augen was the front-runner to succeed him. It was a golden opportunity to get close to him and turn his protégé. If he had taken that path, not only would he have gained full authority of Kandanad in a few years (which he did in 1964), he could have also had a more effective tenure with the full support of his mentor-turned-Catholicos.

Instead, he became a prisoner of the Antiochian Movement, did whatever he could to wreck the hard-earned peace, was foisted upon the Church as a rebel Maphryan, humiliated by the Patriarch under the terms of his salmoosa (it was bondage, he wrote in 1989), litigated against his own Patriarch, and in turn was litigated upon by HG Dionysius (the present Maphryan) to prevent his entry into Ankamali Diocese, and finally left to meet his maker in very unhappy circumstances.

2.) Posting of strong Orthodox priests in Jacobite strongholds and weak Jacobite priests in Orthodox strongholds.

The entire paragraph is influenced by a passage written by SOCM Yahoo Group founder and Jacobite Chevalier Thomas Daniel who had a website about Chepaud Jacobite Church in MSN Groups. This passage came under the list of ‘excesses’ committed by Catholicos Augen. I’m surprised that this learned priest had to rely on such suspect material.

3.) Mar Philoxenos and Mar Clemis ensured the victory of Mar Athanasius as the next Catholicos at the Malankara Association.

The candidate for the succession was decided upon by the Holy Synod and the Malankara Association’s duty was to merely approve the decision. While it may be true that Mathews Mar Athanasius may have made a statement about upholding the Antioch-Malankara ties at the Association, there was no other candidate before the Association to the best of my knowledge.

4.) Patriarchal delegate bishop Aboodi was deported.

Aboodi was a monk serving at Manjinikkara. He was recalled to Damascus, ordained as a bishop, and sent to Malankara as the Patriarchal delegate in violation of the canon and against the express desire of the united Holy Synod. He started illegally ordaining priests and deacons with the deliberate intention of creating division. It was at this point that an application was moved to deport him.

Interestingly, after his departure, the Syriacs have never dared to send another tehlupa to oversee the Jacobites. They become culturally sensitive, thanks to us! Imagine a scenario where the present Jacobite Maphryan was held to ransom by a hyper-active Patriarchal tehlupa. The Maphryan wouldn’t have had so much free time to plot against us! Why are they still complaining? They should be thankful to us.

5.) Jacobites were tricked at the mutual acceptance meeting when the Catholicos handed over a closed, heavier envelope to tehlupa Elias Mar Julius with a conditional acceptance describing it as subject to the 1934 Constitution. “When the clergies and faithful came to know of the trap, they decided not to unite.”

I’m surprised this disinformation prevails to this day. The letter given by the Catholicos was shorter (only 240-plus words). That given by the Patriarch was longer (380-plus words). In fact, there was even some friendly banter about it, with the Catholicos describing it as a short, but hot (like *kanthari*) letter. The Jacobites even described it as ‘Kanthari Kalpana’, according to an article by Very Rev. Moolayil Cor-Episcopa of the Jacobite Church. This short letter has become a long letter in Rev. Fr. K K John’s narrative.

The reference to the 1934 Constitution too was discussed at length between the two sides. According to Moolayil Cor-episcopa: “We all know that the negotiation here was on the draft of the ‘Kanthari Kalpana’. Even the exchange of letters was prolonged till midnight and several

calls and drafts passed in-between Chingavanam and Devalokam. It was for the “sake of peace” that the Kanthari Kalpana was received at the eleventh hour.”

In his autobiography serialized in the Kandanad Diocesan Bulletin, HG Dr. Thomas Mar Athanasius has given a description of the events of the day (Nov 15, 2010 issue), and credits Vayaliparambil Gregorios Thirumeni with breaking the logjam. He also rubbishes the canard about treachery by the Orthodox Church.

These rumours thus provide us with no clue as to why the peace of 1958 foundered. The rumours, at best a salve to the wounded pride of the Jacobites, were only the symptoms of a deeper resentment. We will next try to unearth what it was.

Part 2. Structural Differences: Clueless Orthodox Church Blew It

At the time of the mutual acceptance in 1958, there were many intellectuals in the Malankara Orthodox Church, both clergy as well as laymen, whose advise was valued by the Holy Synod. But none of them were trained in the Social Sciences. Someone with a Sociological bend, for instance, would have taken a hard look at the societal structure of the two sides, and concluded that there were indeed some fundamental differences.

From the outside, both looked the same. The faith was identical, and indeed the Orthodox used to claim that they were in fact stricter with Syriac traditions. They prayed alike, worshipped alike, dressed alike in ceremonial robes, shared the same history, and were drawn from the same stock. What then, separated them?

The answer lies in the systems followed by the clergy. In the Jacobite faction, where there was no centralized authority, little discipline, and no codified procedures in the form of a constitution, the clergy organized themselves according to the ancient, primitive system of *idavaka pattakkars* or parish priests. I will describe the Parish Priest system in detail later, but its defining feature was that priests were non-transferable. In the Orthodox side, the priests had been slowly weaned off the Parish Priest system in the two decades since the 1934 Constitution. While Parish Priests did exist, vicars predominated.

In 1958, the two systems had a head-to-head collision. And there was a huge implosion. While the peace was welcomed by the laity across the aisle, the Jacobite clergy who feared an existential threat, hated it. And they reacted very violently. To work up the emotions of the laity, the priests dared not speak of their private, existential fears, but perforce cited faith-related issues. Many were raised. Some fell on rocky ground, others among thorns, and yet others on the roadside. But a few gained traction, because they tapped into some pre-existing apprehensions.

Fake Issues or Noise

These are the artificially created false issues spread by the revolting priests and their confidants to cover up the real reason for their opposition. Three of them became successful memes.

a.) The throne of Saint Thomas.

The honorific was an ancient usage, and documentary evidence of the same is available from even the Syriac Church's own history. At the Vatican Library's Corpus Scriptorum Christianorum Orientalium, there exists the collection of Ernst Honigmann. Let's go to Page 177 of his work *Le Couvent de Barsauma et le Patriarcat Jacobite d'Antioche et de Syrie, Vol. 5-7*, where Honigmann has presented for us the minutes of a meeting held in 1581 to elect a new Patriarch (Ignatius Davud Shah) for the Syriac Church.

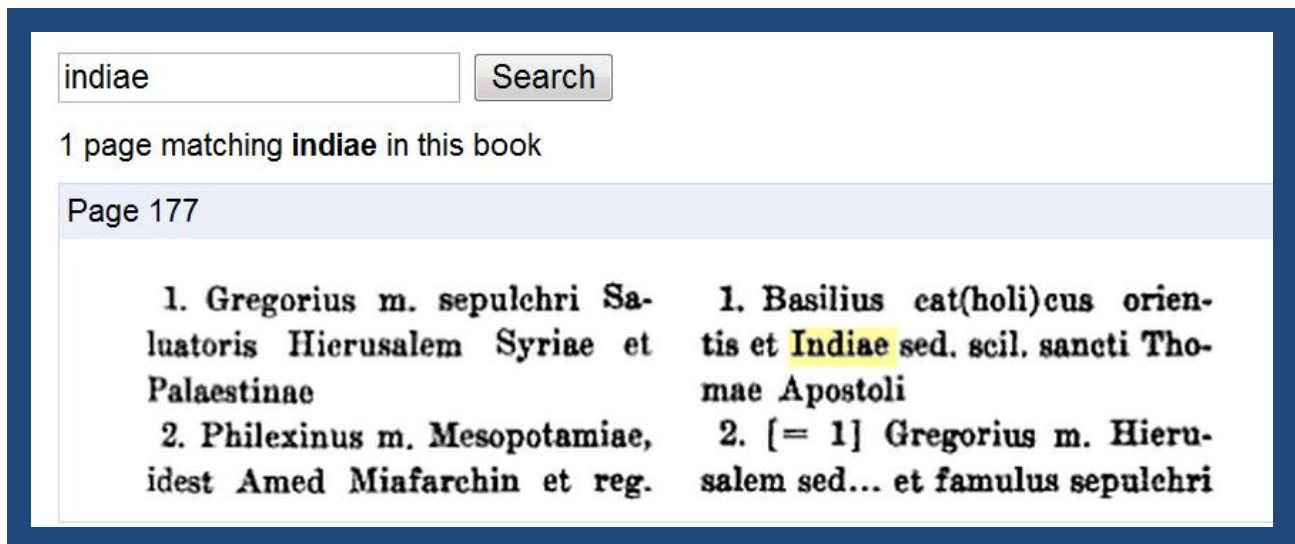
In all 12 bishops attended the meeting. The minutes gives the following description in Latin about participant no.1, who probably presided over the meeting:

“Basilius Catholicus Orientis et Indiae sedis scil Sancti Thomae Apostoli.”

Translated into English, it would read as follows:

“Basilius Catholicos, of the throne of Saint Thomas the Apostle, of the East and India.”

Please see screenshot below:



Once upon a time when access to the Vatican Library was possible for only a few, and retrieval of information was even more difficult, some scholar, probably the late Paulose Mar Gregorios Thirumeni, had painfully ferreted out this information. But the Jacobites could dismiss it away as fiction. Today, however, lots of previously inaccessible information has been digitized, and if you dear reader, have an internet connection, you can verify the same from Google Books. Glory Be to the Triune God for such miracles!

The Church was using the ‘Throne of Saint Thomas’ honorific for ages. Even the acceptance letter addressed by Catholicos Geevarghese II to the Patriarch in 1958 featured it. In fact, the two even started exchanging acrimonious letters after the Patriarch objected. But the acrimony subsided, and when the Patriarch came over in 1964 and raised only the matter of jurisdiction, we thought the subject was buried for good. However, that was not to be. The Patriarch unwisely

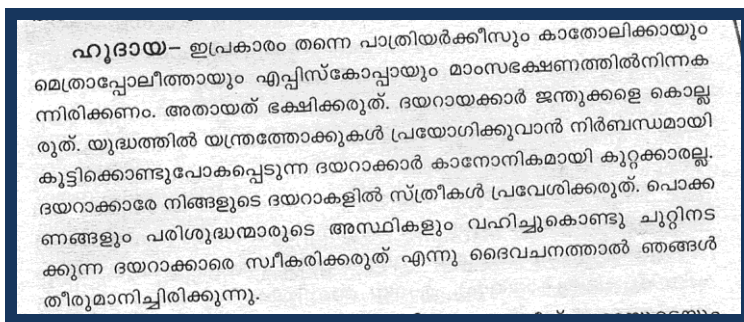
raked it up again in his infamous No. 203 Bull of 1970, which went on to question the priesthood of Saint Thomas. It was manna for the revolting priests who got a theme to make a lot of noise.

b.) The Hudoyo Canon.

In Chapter VII, Section X (Page 87) of the ‘authentic’ version of the Hudoyo Canon brought out by the Jacobite Udayagiri Seminary, we find the following eye-popping description:

Hudoyo or consensus view: “...Conscripted monks forced to use machine guns in the war are not guilty according to the Canon.”

Please see a screen shot below:



Now Bar Hebraeus, who wrote the Hudoyo, passed away in AD 1286. The first machine gun model found to be of practical value was the Gatling Gun patented in 1861. So according to the Jacobite canon, monks were forced to use the machine gun a full six hundred years before it was invented!

That was just a sneak preview of the completely fabricated Canon of the Jacobites, to uphold the primacy of which they will resort to violence at the drop of a hat. This aspect fascinated the revolting parish priests in the 1970s, who successfully converted the defence of their Hudoyo version into a popular meme. That’s fake issue or noise no.2.

Some of you may be curious to know about how the Paris Canon presents the same passage. Here goes:

Jacob of Edessa: “...Conscripted monks forced to turn stone throwers in combat are not guilty according to the Canon.”

Please see a screen shot below:

ഉറഹായിലെ യാക്കോബ്: ഏവൻഗേലിയോനിൽനിന്നോ, ദാവീദിന്റെ സങ്കീർത്തനങ്ങളിൽ നിന്നോ, ശ്ലീഹന്മാരുടെ പേസൊ എന്നു പറയുന്ന ഗ്രന്ഥത്തിൽനിന്നോ വാക്യം 1 എടുക്കുവാൻ ദയറാക്കാർക്കു അധികാരമില്ല. ഒരു എസുതുനോറോയ്ക്കു 2 തന്റെ തൂണിന്മേൽ കുർബാനയണയ്ക്കുവാൻ പാടില്ല. ഏകാന്തവാസികൾക്കും അത്യോവശ്യം പ്രമാണിച്ചല്ലാതെ കുർബാനയണയ്ക്കുവാൻ പാടില്ല. ഒരു എസുതുനോറോയ്ക്കു കുർബാനയെടുത്തു കൊടുക്കുവാൻ ആളുണ്ടെങ്കിൽ അയാളുടെ അടുക്കൽ തൂണിന്മേൽ, വിശുദ്ധശരീരം വെച്ചുകൊടുക്കുന്നത് ശരിയല്ല. ദയറാവസ്ത്രമുരിഞ്ഞു വിവാഹം ചെയ്യുന്ന ദയറാക്കാർ പിന്നെ ദയറാവസ്ത്രം ധരിച്ചുകൂടാ. ദയറാക്കാർ ജന്തുക്കളെ കൊല്ലരുതു. പടയിൽ കല്ലേറു നടത്തുവാനായി ബലമായി കൊണ്ടു പോകപ്പെടുന്ന ദയറാക്കാർക്കു കാനോനികമായി കുറ്റമൊന്നുമില്ല. ഉറക്കമാഴിയുവാനോ, സഹദേന്മാരുടെ പെരുന്നാളുകൾക്കോ, വിരുന്നുകൾക്കോ, അവിടെ പ്രാർത്ഥന നടത്തുവാനെന്ന കാരണത്താൽപോലും, ദയറാക്കാർ പോകരുത്.

Boring? Maybe, but definitely faithful to the original.

c.) Petrine Supremacy

Another meme, based on an erroneous reading of Matthew 16:18, which has been interpreted to transform the Apostle Peter into the rock on which the Church is built.

In reality, the rock is Our Lord Jesus Christ as clarified by Saint Paul in 1 Corinthians 10:4. The Church is built on the rock of faith in Jesus Christ. Syriac fathers, along with other early Church fathers, acknowledged this over and over again. In the anaphora of St. James in the Holy Qurbana, for instance, the celebrant prays thus just before the diptychs: "...For the confirmation of the Holy Church which is founded on the rock of faith and is invincible to the gates of Sheol..."

Again in the anaphora of Saint John Chrysostom, the celebrant gives the following response to the fifth diptych: "Confirm us, O Lord, by Your grace on the rock of the orthodox faith of the three Holy Synods so that we may offer You praise and thanksgiving and to Your Only-begotten Son and to Your Holy Spirit, now, always and forever."

The Sedro prayers for the Sapro of Qoodosh `Idto (Sunday of the Consecration of the Church) begins thus: "You are the true rock on whom the foot of the Church is fixed." The theme continues in the Sedro of the Third Hour (Tloth Sho'in) prayers for Hudoth `Idto (Sunday of the Dedication of the Church): "...You found the Church on the rock of faith....You gave the Church the key to the heights and the depths so that by the incarnation and assumption of human

form by the Messiah and the Only Son of the Living God, that which is bound on earth is bound in heaven, and that which is loosened on earth is loosened in heaven as well” (My translation).

The rock description for the Apostle Saint Peter is not wrong if considered as a poetic device. Many Syriac hymns indeed refer to him thus. But it’s wrong to create an exclusive theology around it to create strife and discord. Exactly what the meme creators did in Malankara.

So the next time you hear someone point out one of the Fake Issues as the real reason for the collapse of the peace of 1958, do not be swayed. They were only a smokescreen to cover up some very real concerns of the clergy. Before we take up those concerns, there’s one more topic to look up, the Fake Core Issue, or the publicly projected reason for why the peace foundered.

Fake Core Issue

This refers to the supposedly non-negotiable parishioner rights, for upholding which the Jacobites claim to have primarily broken away from the Malankara Orthodox Church in the 1970s. This is the fiction which they maintain in court hearings to this day.

Parishioner rights emerged as an after-the-fact explanation while arguing the Second Samudayam Case. With inputs from resident think-tanks, A-lister Supreme Court advocates hired by the Jacobites adopted the Protestant Congregational model for their church, tweaked it and refashioned it into a weapon for parishioner rights.

In the Congregational model, the units originated first and the whole Church later. Therefore, the units or parishes enjoy a great degree of autonomy, including the right to secede. Congregationalism stands in sharp contrast to the plan outlined by Our Lord Jesus of one church. The One Holy, Catholic and Apostolic Church founded by Our Lord Jesus came into being on the day of the Pentecost, and only after the event did the apostles fan out to evangelise.

Therefore, the whole church came into being first, and its parts, or the units founded by the apostles, came later. The whole is thus more important than the parts. This Church was splintered due to human failings. Yet all the broken shards express the heartfelt desire to be reunited once again through the recital of the Nicene Creed. Splinters of the original church, including the Syriac Church and the Malankara Orthodox Church, follow the Episcopal system or rule of bishops. Thus the Syriac Church and the Malankara Orthodox Church are Episcopal, but the Jacobite faction claims to be Congregational!

Parishioner rights have a romantic appeal when presented in a court room. But let’s see how much of this commitment the Jacobites actually uphold in their 2002 Constitution. This document has tried to window-dress its commitment to parishioner rights by declaring in Article 14 (1) that the Jacobite Syrian Christian Association is a federation of parish churches enjoying freedom of self-rule. But here’s the fun part. The preamble says the Jacobite Syrian Christian Church is an inalienable part of the Syrian Orthodox Church. Article 1 repeats this assertion. Article 264 says this provision can never be amended. Since the Jacobite fraction claims to be an inalienable part of the Syriac Orthodox Church, the provisions of its Constitution apply to the Jacobite Church as well.

This is further reinforced by Article 4 of the Syriac Church’s Constitution which lists the Jacobite Church as its archdiocese. Let’s take a look at how the Syriac Church views parishioner

rights. According to Article 155 of the Syriac Church's Constitution, "The Syrian Orthodox Church of Antioch owns all its churches, monasteries, worship places, cemeteries, schools, real estate and endowments...If an individual or a group of individuals separates from the Syrian Orthodox Church of Antioch and joins another denomination, they shall have absolutely no right to claim any of the above mentioned properties or possessions...."

There it is. The Syriac Church says it doesn't matter whether parishioners who rebel against it are in a majority in a given parish. They'll have to go out without any claims on any of the assets of the Syriac Church.

So much for the parishioner rights of the Jacobites.

The 2002 Constitution, which supposedly champions parishioner rights, takes away many such rights given by the 1934 constitution. Let us compare how the respective Associations are convened. Article 74 of the 1934 Constitution simply says that "the Malankara Metropolitan shall convene the Association and if the office is vacant, two of the vice-presidents or if they fail, half of the members of the managing committee may convene the Association". But according to the 2002 Jacobite Constitution, if the Patriarch decides not to convene the association following an appeal, it cannot meet! So much for freedom!!

Let's leave textual analysis aside and cite from a real life example. On January 25, 2009, the present Jacobite Maphryan entered the Aluva Seminary premises after the Ernakulam district court ruled that the Maphryan was the real beneficiary of a previous suit which was actually ruled in favour of the late Theophilos Metropolitan!

OS 5/1981 was filed by five Jacobite petitioners (Malayalam: Vaadhikal), claiming to be parishioners of the Aluva St. Mary's Church. They wanted the church to be declared a parish church under the 1934 Constitution so that as representatives of the majority party, they could convene a general body and oust defendants (Malayalam: Ethirbhagam) 1 to 4, i.e. Metropolitan Theophilos, his vicar Jacob Mannaraprayil, his trustee C P Cherian, and his secretary M C Varghese.

Some of you may wonder why Jacobites would want a Church declared as a parish church under the 1934 Constitution. The answer is that it's their routine strategy where the legal situation is found hopeless. Today there exist several churches under the complete control of the Jacobites which are actually administered under the 1934 Constitution.

In OS 5/1981, the defendants replied that the Aluva St Mary's Church was not a parish church, but a seminary church or the private chapel of Ankamali Metropolitan Theophilos of the Malankara Orthodox Church, where there no parishioners with rights and privileges, but only participants whose access to the sacraments was only due to the "consideration and grace of the Diocesan Metropolitan".

Judge Hariprasad agreed with our contentions, declared that it was only a seminary church, and ruled in favour of defendants 1 to 4 in 2003. The incensed Jacobite petitioners even moved the High Court against the ruling.

But on January 22, 2009, Judge Shircy of the district court studied the OS 5/1981 judgement and arrived at the conclusion that instead of the late Mar Theophilos, HG Dionysius (the present Maphryan) was the beneficiary of the case. Her logic went as follows:

- OS 5/1981 was ruled in favour of the defendants and the Ankamali Metropolitan.

- HG Dionysius was defendant no. 5 in the case and is the Ankamali Metropolitan.
- Therefore, he can be a rightful beneficiary of the above ruling.

In reality, OS 5/1981 was ruled specifically only in favour of defendants 1 to 4, and defendants 5 and 6 respectively in the case (HG Dionysius and Very Rev. Ouseph Pathickal Cor-Episcopa), had got themselves impleaded only to collude with the petitioners. This collusion was proven during the hearing when Pathickal Cori actually took the stand as a witness for the petitioners. He was plaintiff witness No. 10.

While we can leave a decision on Judge Shircy's ruling to the High Court, the point to be noted here is that if upholding of parishioner rights was a non-negotiable principle for the Jacobites, their Maphryan would not have entered the Aluva Seminary premises on January 25, 2009, after claiming to be the beneficiary of a ruling which said that leave alone parishioner rights, there were no parishioners at all in the Aluva Seminary Church.

In the 1934 Constitution, there's no mention anywhere about ownership of parishes, unlike in the Syriac Church's Constitution. During the Second Samudayam case, the Church didn't ask for any relief on ownership rights. This has been made amply clear in the Supreme Court final judgement of June 1995.

So any which way you consider it, the Jacobite Constitution falls way short of the 1934 Constitution in upholding parishioner rights. For the Jacobites, the term 'Parishioner Rights' is actually a code word for the special rights and privileges of certain powerful feudal families in Ernakulam district. More on this at a later time.

Core Issue or the Primary Reason Why the Peace of 1958 Foundered

I had earlier stopped short of providing a detailed explanation of the Parish Priest system. What better way to learn about it than from a place where it is still practiced? Yes, the Manarcaud Morth Maryam Church, and Peroor Morth Shmooni Church, are two places where younger Parish Priests still function in the Jacobite faction. Let's familiarize with the system by looking up the **Constitution of the Manarcaud Church** (yes, the parish has a separate constitution).

Articles 132 to 135 of the document deals with ordination. This is how it works. A parishioner who wants to become a priest first applies to the parish managing committee. The committee vets the application and recommends the same to the parish general body along with a report. The vicar then asks him to serve at the altar for a year. After this period, the general body considers his case, and if positively inclined, issues him a letter known as *yogakkuri* (also known as *deshakuri*), which signals the parish's endorsement. The candidate is then dispatched to the diocesan metropolitan, who examines him for his suitability, trains him, and walks him step by step into the various stages of priesthood. Before being ordained as a priest, the candidate has to submit a registered bond to the metropolitan, affirming his faith and obedience. At his ordination, he is ordained for the particular parish to which he belongs, and serves there till his retirement.

The *idavakapattakkaran* stands apart from the ordinary vicar in several ways:

- He hails from the same parish where he serves.
- He is ordained to that parish.

- He serves the parish for life.
- He is non-transferable.
- The parish general body plays a role in his selection.

In the olden days Parish Priests enjoyed special rights and privileges. No fixed salary was paid. The priest used to get a cut from the income of the parish. It was messy. As the years went by, both the priests and the parishioners suffered for want of change. Many parishes turned lifeless and numb when their priests refused to retrain themselves and recharge their spiritual batteries. The pews emptied out. The whole parish suffered.

On the plus side, the system worked well where the priests made a conscious effort to retrain themselves. They also got to know the parishioners really well, and were very effective as counselors and confessional fathers. It wasn't unheard of for aristocratic families to set up their own churches, organize parishioners, and install a family member as the Parish Priest.

Outwardly, one wouldn't be able to distinguish a regular vicar from a Parish Priest. The latter too describe themselves as 'vicars' of a particular parish. It required, and still requires, some searching questions for the truth to be ferreted out.

This was the system which existed in all of Malankara at the time of the division of 1911. Although the 1934 Constitution has incorporated a provision for priest transfer, it must have taken a few decades for the principle to be firmly established. Metropolitan Zachariah Mar Nicholovos of North-Eastern US, who seems to have researched the topic, has credited Bishop Geevarghese Mar Philoxenos of Thumpamon (Puthenkavil Kochu Thirumeni, who served from 1930 to 1951) with pioneering the shift. From Thumpamon, it must have slowly spread to other dioceses, and by the end of the 1950s, my calculation is that the vicar system was a reality in the Orthodox Church.

Nobody seems to have noticed it, but it provided a disastrous setting for the unity of 1958.

Modern Day Parish Priests in the Orthodox Church

The unity of 1958 unsettled and frightened the Parish Priests of the Jacobite faction who feared the end of a familiar world. Had the Orthodox Church drawn before them the vision of a future where they were honoured and respected, and given them reasonable time to migrate to a new system, those innocent village priests would have transformed into the vanguard of unity. Instead of the Antiochian Movement, they would have kick-started a Marthoma Movement.

Unfortunately, that was not how events panned out. The scenes of many of the pitched battles which took place in the 1970s tell their own story. Most of them were holdout Jacobite Churches located deep in the Orthodox territory. In many of these parishes, perhaps loyalty to the Patriarch was just another way of describing parishioner devotion and affection for their priest. The history of parishes like Puthenpally, Kundara; St Mary's, Manthilir; St. Mary's, Karakkad; St. Stephen's, Mukhathala; and St. Aphrem, Parakkod need a closer look. And do you know where the first big meeting of the Antiochian Movement was held in 1960? At Manarcaud Church, the headquarters of the Parish Priest set-up. Priests in that very wealthy parish had lots to fear from a transfer system.

In the Orthodox Church today, there exist a large contingent of clergy in the US, whose situation makes them resemble the Parish Priests of yore to a large extent. But the metropolitans there have learned to handle the situation with diplomacy and tact.

A similar sensitivity to the situation of the village priests in the 1960s and 1970s would have done wonders. My point is that a re-assurance by the then Catholicos, and some handholding would have perhaps salvaged the peace of 1958.

Today, the descendants of those Parish Priests who were wronged constitute a strong lobby of frontline Orthodox baiters in the Jacobite faction. It's not too late for the Orthodox Church to acknowledge the mistakes made in the past. That would be a good place to initiate the healing process.

Let the debate begin.

e.o.m.

(Please mail your feedback about this article to samadhanasnehi@yahoo.com)