# The Indian Orthodox Church and its 1934 Constitution

Dr. Sarah Knight
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## Introduction

One of the lynchpins upon which the conflict between the Jacobite Syrian Orthodox Church (hereafter, the Jacobite Church /Jacobites) and its break-away faction, the Indian Orthodox Church (hereafter, the IOC) turns is the '**1934 Constitution.'** The IOC had its origins in 1912, when a rebellious bishop and his supporters had broken away from the Mother Church of the Jacobites and its ancient hierarchies under the Patriarch of Antioch in Syria.

The IOC were able to harness the prevailing winds of political unrest in India, and asserting an 'Indian' identity, reject 'oppressive foreign and colonial structures of rule,' although in a religious context of ancient pedigree, this was a non-issue, faith and religion having transcended political boundaries in a time-honoured fashion. However, professing themselves to be more patriotic than any other Indian Church, and with the aid of lavish distribution of 'gifts,' the IOC were able to win the favour of political leaders and the judiciary in the early decades of the 20th c. India, winning a succession of court rulings in their favour. But when it came to claiming the material assets such as church buildings and properties of the old Jacobites members, they could not stretch the nationalistic claims to that level, as the property deeds were in the names of their founding fathers who were of the Jacobites.

Stymied by this, the IOC went through a period of identity-crisis, after which, in an act of defiance, they unilaterally created the 1934 Constitution and re-invigorated their efforts to win more people and assets in their favour. Through all this difficult period, the Jacobite Church remained as before, professing its ancient faith and submission to the Patriarch of Antioch. The rest of the 20th century saw a long catalogue of legal actions and forcible take-overs to this end, resulting in a great deal of distress and grief.

Now with the conflict dragging on into the 21st c. with no sight of an all-out victory over Jacobite Church, the IOC has begun to talk of 'reconciliation' again, putting forward the only condition, which is that the Jacobites accept the '1934.' They allege that, in an earlier reconciliation process, when the IOC accepted the then Syrian Orthodox Patriarch of Antioch HH Moran Mor Ignatius Yacoub III, the Jacobites accepted the 1934 Constitution reciprocally.

But the Jacobites in turn point out that they never, by word or letter, accepted the 1934, because it explicitly denied and abrogated its Supreme Head the Patriarch of Antioch. They stress that although there was an attempt at reconciliation in 1958 with an exchange of letters of mutual acceptance, it was already dead in the water because the Head of the IOC, the 'Catholicos', sabotaged it by his actions which were deceptive and two-faced.

The Jacobites have consistently rejected 1934 because, to accept it is to deny its very identity, which is centred on its submission to the Patriarchs of Antioch.

The Patriarch of Antioch, seeing how the Malankara Jacobites were being destroyed by this internecine conflict, and yielding to pressure from the ordinary people of both sides, made innumerable concessions to the IOC's position as part of the reconciliation. Even after being the victim of an attempted sabotage by the IOC Catholicos, the Holy Father persevered, following up the letter of acceptance of 1958 by consecrating one of the IOC bishops as the unified Church's Catholicos. But accepting the 1934 Constitution was not one of these concessions, either by the Patriarch, or its Synod of Bishops, or its laity, the general public of the Church. The Patriarch, like any hierarch in his position, hoped that the IOC would themselves show some contrition and rescind the injurious 1934 Constitution and move forward in cementing the painfully accomplished reconciliation in a spirit of fraternity and positivity.

But instead, first after 1958, and then after 1963, t**he IOC repeatedly went back on all the promises they had made in the act of 'reconciliation and reunion.' In fact they rejected, repudiated and even repeatedly insulted the Patriarch, and the new Catholicos, created in 1963, went several steps further in taking the Church to ruination, by making absurd statements such as that he was 'autocephalous,' that he and the Patriarch were 'equals,' that he was 'seated on the throne of St. Thomas' etc., so much so that after 15 years of earnest attempts, the reconciliation was declared null and void by the Jacobites. From then on they went forward as two separate Churches, with the Jacobites remaining under the Syrian Orthodox Patriarchate.**

And yet now, the IOC, and the many favourable court-verdicts they have obtained through fraudulent means, repeatedly assert that 'the Jacobites are subject to 1934.' Therefore, the pertinent question is this:

**Did the former Patriarch of Antioch Ignatius Yacoub III accept the 1934 Constitution of the IOC in 1958?**

**Did Yacoub III of Blessed Memory sign a letter of acceptance of the 1934 Constitution and bring the Jacobite Church under it, as the IOC claims?**

## Evidence that His Holiness did not

From documents of the period published in 1984, it is evident emphatically that Yacoub III did not. The documents under question are letters of Yacoub III himself, to the then IOC Catholicos, Baselius Geevarghese II, in which he is seen to spell out categorically, why he *could not*, and *would not* accept it, and enumerating his reasons. These letters can be found in: *The Syrian Church: its History and Faith* 1982:pp. 329 -336, by the Very Rev. Chorespiscopus Dr. Kaniamparambil Kurian (1982).

This is how the Chorespiscopus Kurian has recorded the events in the run-up to critical events of 1958 :

*On 16.12.1958:*

1. After an extremely contested Supreme Court Ruling of Sept 22nd 1958 which the Jacobites considered unfair, biased, and legalistic, Patriarch Yacoub III was compelled to make supreme efforts at reconciliation with the IOC for the survival of the Jacobite Church. But His Holiness was absolutely unwilling to lead his people on this painful journey at any cost, and certainly not by abrogating the fundamental articles of the Jacobite Syrian Orthodox Church's religious and ecclesiastical identity. Thus, firstly the Holy Father sent Encyclical No. 447 dated 9.12.1958, exhorting the faithful to prepare themselves for a reconciliation with the IOC.
2. In it the Holy Father stated categorically that this reconciliation **was impossible if the IOC insisted on denying and rejecting the Patriarch, who is the Head of the Church**;
3. Bava laid great hopes for the repentance of the IOC, and stated his own willingness to make as many concessions as possible; with these stated as a preamble, His Holiness went ahead with the reconciliation process;
4. Note here that the Patriarch did not make any references to the '1934 Constitution' hereafter;
5. This omission was because in verbal exchanges through intermediaries, this topic was never brought up. (It is to be emphatically noted here that in the 1958 Verdict, the Court only says: 'The plaintiffs had not argued clearly in their submission that because they (the IOC) had drawn up a new Constitution the defendants had formed a new Church, such an argument is not allowed in the Appeals Court.'
6. As a result, on 16.12.1958 there was a mutual exchange of letters between Patriarch Yacoub III and Catholicos Baselius Geevarghese, stating acceptance of each other;
7. But, contrary to what was agreed in spoken words, in his reciprocal letter, the Catholicos stated that he accepted the Patriarch **only conditionally, that is, 'subject to the 1934 Constitution.'**
8. This was the **first act of betrayal by the Catholicos Baselius Geevarghese,** which eventually led to the **derailment** of the peace process.
9. Nevertheless, wishing not to disappoint the whole mass of lay-members of both factions who were already rejoicing in the imminent reconciliation, the Patriarch kept up the momentum of the reconciliation process. Without unilaterally withdrawing from it, His Holiness took up the issue with the Catholicos, and wrote to him as follows:

**Letter 1 of Patriarch Yacoub III:**

*In it His Holiness strongly reprimands Catholicos Baselius Geevarghese, saying (paraphrased by Sarah Knight in the third person):*

1) If he had known that the acceptance was **conditional,** he would never have written the Encyclical No. 447;

2) His Holiness asked how the Catholicos could state in his letter that his acceptance of the Patriarch was 'conditional' to a 'Constitution' which he had not seen?
    - Because, the Catholicos had NOT sent him a copy of 1934 ;
    - To demand the acceptance of a document of such gravity as a 'Constitution' without himself having seen it, was not in accordance with common justice;
3) His Holiness reiterated that he issued the encyclical of acceptance of the IOC in the belief that the IOC had relinquished its 1934 clauses, which set out to belittle, reject, and abrogate the supremacy of the Patriarch of Antioch;
4) He never issued a statement or encyclical stating that he had accepted the IOC's 1934;
5) Therefore, the 1934 Constitution of the IOC did not impinge on him or His Church in any way whatsoever;
6) He stated that it was not a secret that like other Apostolic Churches, the Universal Syrian Orthodox Church, from its very inception, was bound to the statutes and regulations that were instituted firstly by the Holy Apostles of Christ, and thereafter the statutes promulgated by successive Universal Synods of the Church, as is made clear in the compiled ancient document called the *Hudaya Canon* of Gregory Bar Hebraeus (1226-1286).
7) He argued that to depart and stray from these Canons of the Church would make the Church no longer a part of the Ancient Apostolic Churches.

## Letter 2 of Patriarch to the Catholicos, dated 8.4.1959- Letter No.118

(summarised and paraphrased by Sarah Knight in the first person honorific plural) :

1) We received a report of the events on 16.12.58;
2) You say you have accepted us **only conditional to 1934** but this is incomprehensible;
3) You did not inform us of this continuality prior to the exchange of mutual letters of acceptance;
4) Whatever authority the 1934 may have on you, the 1934 did not receive our assent neither personally as the Patr. of Antioch nor as the Head of the Universal Syriac Orthodox Church; therefore it does not have any authority to bind over the Universal SOC or bind over the Jacobite Church in Malankara;
5) that is why in our letter of 8.4.59 we demanded an explanation;
6) The reply we have received from you does not contain explanations to those questions;
7) You have not explained what the purport of your Constitution is, and of the statutes mentioned in it;
8) But we have studied the 1934 Constitution independently of you, and we have this to say to you:

**This is followed by 8 points of repudiation of the 1934 Constitution, article by article, as copied below.**

**Afterwards, the letter continues with point No. 9.**

# Repudiation of the 1934 Constitution

a) This Constitution and its corollary organ the 'Malankara Association,' were created by a group of laymen, in which power over all affairs of the Church was ceded to the Association; also, this Association was one where laymen were greater in number than the bishops, and they had equal rights with the bishops;
b) They were in rebellion against Antioch, with the ulterior and malicious intention of separating themselves from Antioch if Antioch did not submit to them; after you and your associates had avowedly broken away from the Throne of Antioch, you already made changes to the first 1934 Constitution in 1951, and then again in 1954;
c) The St. Thomas' throne was invented and proclaimed by the (Malankara) Association; this throne has been invented for your glorification and benefit; no such 'throne' is mentioned in any of the Canons or books of the Holy Church Fathers; therefore, your Association has no authority of create such a 'throne' for it to have an impact on the members of the Church;
d) You and your associates are trying to remake the 'Catholicosate' (in Kerala) which you say was created by Abdal Masih, into the 'Catholicosate of the East' (in Mesopotamia). This is against the Canons and statutes of the Church;
e) You mention an Order purportedly written and given you by Abdal Masih in 1912 , but when this was debated in court you never submitted this letter in court, so the veracity of it is suspect;
f) besides, even if Abdal Masih was a patriarch with patriarchal powers, he had no authority to create a 'throne,' or create a new 'Catholicosate' beyond the boundaries of the authority of the *Catholicos of the East,* Primate of the Church of the East, commonly called 'the Nestorian Church; even a Supreme Court ruling which you regard as your refuge, has not granted you the 'Throne of St. Thomas' or the 'Throne of the East;'
g) The faith of the Church, or whatever matter that pertains to the Ch., are under the authority of the Holy Synod of the Church consisting only of its bishops; the Association you mention appropriating such an authority is tantamount to cutting the roots of the holy and apostolic Church; therefore, evidently you have brought the statutes from God under your Association;
h) the Canon that you have accepted is the Canon written and published on the order of the Pope of Rome; the Canon of Nicaea mentioned there states that the Pope has been declared the Head of all other Patriarchs; this is a fraudulent Canon and one which none of the other Patriarchs, including that of Antioch, have accepted.
i) You and the metropolitans under you and your clergy have surrendered yourself to the majority rule of the Association; you

have surrendered this catholic and apostolic Church to the rule of an Association that is majority laymen;

9) **The things enumerated above and other factors in your Constitution have destroyed the fundamental statutes of the Holy Catholic and Apostolic Church. Therefore, we cannot accept your Constitution**;
10) There are other Churches in India and other parts of the world, where they do have such a Constitution; the Presbyterian and Congregational Churches and the Brethren Mission etc. are examples, but they are not Orthodox Churches.

**After this Yacoub III enumerates the points of similarity and convergence between the IOC's 1934 Constitution and that of the Presbyterian and Congregational Churches, and the Brethren Mission etc.**

a) These Churches believe that <u>all the lay-people are also 'priests'</u>;
b) they do not believe that the hierarchy of priesthood was established by God, and that in priesthood there are many levels;
c) the authorities of these Churches are elected by their laymen alone;
d) beyond this, they do not believe that the priests have any authority;
e) They do not believe that the sacraments were established by God, and that they are indispensable for the faithful;
f) They have no prohibitions of laymen from performing the sacraments, having special days set apart when laymen can do so;
g) From this it is clear what their faith is, regarding priesthood and the Sacraments.

The Patriarch therefore assets as follows:

**11) Therefore:**
- **The statutes contained in your 1934 Constitution are entirely contrary to all the statutes of the holy, universal, and apostolic Ch.;**
- **They are contrary to the Canons of the Ch. and its regulations, and the teachings of the Ch. Fathers;**

12) We understand there's dissension among our people there (in Malankara) on the validity of this Constitution;
**13) It appears to us that you place greater reliance on this Constitution than the Bible or the Canons of the Church;**
14) Therefore, we cannot but receive the people there (in Malankara) who stand firm in the Canons and in the ancient faith of our Church; This is the true Jacobites Syrian Church of Malankara;
15) We understand that you are not ready to enter into further communication on this subject. But we have a duty to our Church in Malankara. Therefore we request you to submit a statement clarifying you and associates' position; if you plan to send a reply, we would like it within one month; if we do not get a reply within that time, or we do not receive a letter asking for more time, we are to understand that you have no answer, and that after the above mentioned time period, we will proceed with actions for the protection of the faith and statutes of the Church in Malankara.

# Catholicos Baselius Geevarghese's response

There was no response from the Catholicos.

To the Jacobite Syrian Orthodox people of Malankara, the events of 1964 to the present day read like a Shakesperean tragedy. By a slow war of attrition, the IOC have kept up their attempt to subvert and subdue the Jacobite Syrian Orthodox Church of Malankara.

Notwithstanding the betrayal of trust by the IOC in 1958-9, Patr. Yacoub III wrought a conciliation between the two, by consecrating an IOC bishop as the joint first Catholicos in 1964, on condition that the IOC abandoned the 'St. Thomas' Throne' and '1934 Constitution.'

But the IOC leadership began undermining the precarious unity not long after, and by the early 1970s, when they began making statements that the Catholicos was equal to the Patriarch of Antioch, and that he was seated on the 'Throne of St. Thomas' etc. it became clear to the Jacobites that the reconciliation was not sincere. It was a dishonest means for getting a Catholicos consecrated by a legitimate Patriarch, later to unlawfully to remove and reject Patriarchal authority altogether, and arrogate power themselves.

In order to preserve the true SO Church and its orderly progress, the Jacobites withdrew from the union in the early 1970s, and in 1975 got their own Catholicos consecrated by Antioch, re-asserting its ancient submission to Antioch. The IOC had used the period of union to grab more Jacobite churches and institutions. Needless to say the IOC become more aggressive after this, subjecting the people and parish-churches of the Jacobites to the utmost cruelties and atrocities. These are enumerated in the same book mentioned earlier: Chorespiscopus the Very Rev. Dr. Kaniamparambil Kurian's 1982 ) *The Syrian Church: its History and Faith,* pp.359 to 416. This book is in Malayalam.

A recent publication in English is available from Amazon:

https://www.amazon.co.uk/History-Malankara-Jacobite-Syrian-Orthodox-ebook/dp/B0DC65GYQ8

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