

ISSUE BETWEEN ORTHODOX AND JACOBITE CHRISTIAN FACTIONS IN INDIA: A HUMAN RIGHTS CONCERN

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For more than a century, Indian Christians are witnessing the issue between Orthodox and Jacobite Christian factions. Even though being two minority factions among the Christian minority, the issue has not been addressed as a global or national minority rights violation. In India, the apparent presence of these two factions can be seen predominantly in Kerala and their mission works are not much manifest outside the state. This might be the dynamics preventing the issue not to be discoursed over the boundaries of Kerala. However, being one of the Christian communities in India, which is claiming the succession of first convertors to the religion by the St. Thomas and also as a religious and social issue which has not been solved for more than a century; this minority rights violation should be seriously discussed among the scholars.

Probing over the reasons behind the differences between the two parties, it traces us back to the evolution of Christian religion in India. In A.D. 52, St. Thomas, one of the direct disciplines¹ of Jesus Christ, visited Malayalam speaking southern parts of India and founded seven churches.² These people are called as *Malankara* (Malayalam speaking) Jacobite or Orthodox Syrian Christians. The church³ had grown up and flourished throughout the region. It acquired assets and became financially rich and also marked for administrative efficiency imparted by different metropolitans who were consecrated from time to time.

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¹ The Holy Bible says that Jesus was having confidential disciplines also. Disciplines of disciplines were also preached and brought up the religion in different regions of the world.

² Encyclopedia of Religion, Volume 14, page 227.

³ The word 'church' is used to denote both denominations of the religion and the building, where Christians worship.

It was then the period of invasions over Indian land by different imperial powers. The missionaries from Portuguese forced Syrian Christians to accept Roman Catholicism. Between 1599 to 1654 A.D. due to influence of the Portuguese political power in the East Coast of India, the Malankara Church was compelled to accept Roman Catholic supremacy i.e., the supremacy of the Pope of Rome. The tough resistance from the Syrian Christians resulted in adopting repressive measures by the Portuguese. Books of the Syrians Christians were burnt and destroyed. All traces of apostolic succession in their church were obliterated.⁴

After a series of issues between the Portuguese, in the year 1664, the Syrian Christians of Malankara assembled near the Koonan Cross⁵ at Muttancherry and took an oath that they shall never again unite themselves with the Portuguese or Catholic Church. This oath is well known as Koonan Cross Oath. This event marks an epoch in the history of the Syrian church. It splits the followers into two Punthenkoor and Palayakoor. The former became Syrian Christians⁶ and the latter Roman Syrians.⁷

Years passed, the Malankara Church had grown up spiritually and financially. The trust created by the church acquired vast assets. On this period many missionaries and bishops from different foreign churches started frequently visiting the church. Their liturgical thoughts and preaching were turbulently influenced and became part of the preachers of the church. With their help foundation for the propagation of the Christianity was strengthened. Gradually disputes were also arisen between the visitor's group and leaders of the church

⁴ Most. Rev. P.M.A. Metropolitan v. Moran Mar Marthoma and Another AIR 1995 SC 2001 para 7.

⁵ Cross is the religious symbol of Christians which represents the Holy Cross of Jesus Christ.

⁶ Syrian Christians are Christians who follow the Syrian liturgy. They are mainly Oriental Orthodox Churches. The two Syrian Orthodox Churches in Syria and India, along with the Egyptian (Coptic), Ethiopian, and Armenian Churches, belong to the group of Ancient, or Oriental Orthodox, Churches.

⁷ Most. Rev. P.M.A. Metropolitan v. Moran Mar Marthoma and Another AIR 1995 SC 2001 para 7.

over the possession and ownership of the properties held together.

Even before the intrusion of Portuguese to the Malankara, the church had exchanges with churches in Persia and later with Antioch. The ordinations of Malankara Metropolitans were being done by the direct or indirect involvement of Patriarch of Antioch on these days. The disputes arose between Christian Mission Society, London, one of the missionaries group and the church was resolved through arbitration.

“It is known as the 'Cochin Award of 1840'. This Award divided the properties between the two bodies allotting among other items 3000 Star Pagodas to the Malankara Church. The properties so allotted to the Malankara Church were as per the Award to be administered by the trustees i.e., (1) the Malankara Metropolitan, (2) a priest-trustee and (3) a lay-trustee. The effect of the Cochin Award was that the dispute between the Mission Society and the Syrian Church came to an end. But it appears between 1808 and 1840 vast assets had been acquired with the trust created by Dionysius VI. These were controlled and administered by the person who was the head of the Church. Therefore, even though one Cheppat Dionysius, a locally ordained Metropolitan was in office, one Mathew Athanasius went to Syria in 1840 and got himself ordained as Metropolitan by the Patriarch of Antioch. Thus the seeds of strife were sown.”

(*Most. Rev. P.M.A. Metropolitan v. Moran Mar Marthoma and Another*, AIR 1995 SC 2001 para 8).

In 1654, the local ordinations were commenced.⁸ Thus 1840 marked the beginning of emergence of struggle for supremacy over the Church between locally ordained Metropolitan and the one ordained by the Patriarch of Antioch. Disputes came to the knowledge of Travancore Government. They appointed a tribunal in 1848, known as 'Quilon Committee' to settle dispute. Even though the Committee awarded in favour of M. Athanasius, the members of the church were not satisfied. In 1865, Joseph Dionysius was sent to Syria and ordained as the Malankara Metropolitan. Still, M. Athanasius lived until his last breath as the Malankara Metropolitan and ordained his brother's son Thomas Athanasius to assume his office.

In 1876, another synod was called in Mulunthuruthy, which is popularly known as 'Mulunthuruthy Synod'. At the Synod the Syrian Christian Association popularly called the 'Malankara Association' was formed to manage the affairs of the Churches and the community.⁹ It affirmed the Orthodox faith and accepted Joseph Dionysius as the Malankara Metropolitan.

“Whether it was re-assertion of supremacy of Patriarch or not cannot be said as the election of Joseph Dionysius was preceded by two factors, one, that he had been persuaded by the local people, earlier, and he got himself ordained by the Patriarch and second that Thomas Athanasius was a nominee of his brother and he had not been elected by the people. But it, undoubtedly, shows that the spiritual domination was still predominant. However, Thomas Athanasius challenged the ordination by Patriarch and claimed equal status. This could not have been agreed to by anyone as the spiritual

⁸ The first was the ordination in 1654 of Mar Thoma Mitra as Marthoma I. He was ordained as Metropolitan of Malankara by the Patriarch of Antioch through his delegate. From 1665 onwards, therefore, the ordination of the Malankara Metropolitan was carried on by the delegate of Patriarch of Antioch.

⁹ Most. Rev. P.M.A. Metropolitan v. Moran Mar Marthoma and another AIR 1995 SC 2001, para 10.

faith in the Patriarch prevented the people in Malabar to acknowledge a person as Metropolitan who was not ordained either by the Patriarch or his nominee. However, Thomas Athanasius refused to hand over the property and Joseph Dionysius was left with no option except to approach the court.”

(*Most. Rev. P.M.A. Metropolitan v. Moran Mar Marthoma and Another*, AIR 1995 SC 2001 para 10).

Thus it commenced the period of legal war for possession over the properties of the church in the courts. Unfortunately, disturbances in the church followed to two factions in the church as 'Patriarch' and the 'Catholico'. Within a short span of time, five suits were filed, the first is known as, '*Seminary Suit*', in 1879, the second as '*Arthat case*' in 1899, the third in 1913 which became famous as '*Vattipanam case*', the fourth in 1938 known as '*Samudayam Suit*' and fifth and last in 1974¹⁰.

The first was filed by a Patriarch ordained and duly elected Metropolitan at Mulunthuruthy Synod for recovery of property against nominated Metropolitan, whereas the second was filed for enforcement of the order passed in earlier suit as some of the parishes were denying the authority of the Metropolitan to exercise spiritual and temporal control over them. The third was an inter pleader suit by Secretary of State for India due to formation of two groups laying rival claims against the assets. All the three suits were decided in favour of Catholico group. Therefore, the fourth suit was filed by the Patriarch group against Catholicos claiming that they had become heretics and had separated from the Church. This too was decided in favour of Catholicos. But the fifth suits were filed by the Catholicos for reasons. Even though the decisions of these preliminary cases are so discussed, afterwards more than two hundred suits were

¹⁰ *Most. Rev. P.M.A. Metropolitan v. Moran Ma Marthoma*, AIR 1995 SC 2001, para 11).

filed with regard to partition and other related issues between the two parties.

The Indian Constitutional advocates always argue that minorities' rights are well protected in the country. Comparing with many of the other nations, the system of minority protection in India is commendable. The secular characteristics of the State governance system always try protecting the minorities' rights. Still, as a nation with lots of diversified characteristics and the presence of various indigent minority groups, India should give more caution in strengthening its minority protection measures.

Christians are one of the minority religious groups in the country. Generally people recognize, two major groups among the Christians are Catholics and the Protestants. But the religion contains many other denominations. Syrian Christians including Orthodox and Jacobite Churches are one among them, who have their own religious heads and do not admit the superiority of the Pope.

Moreover a constitutional right, it is the fundamental necessity of every person to believe, propagate and practice his religion. Most of the civilized states of this era are guaranteeing the right of their citizens to practice their religion. Article 25 of the Indian Constitution specifically says that all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion and Article 29(1) provides that any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

The dispute between Jacobite and Orthodox churches affects a person's as below:

- Denial of access to place of worship and structures (shrines).

Regarding the issue between Orthodox and Jacobite factions, lots of churches, under the dispute are closed for worship. The state is not at all capable to make

peaceful environment in the church premises. So they closed down it until the settlement of the dispute.

While closing down the churches, a believer of this church cannot use the place for worship. He is not allowed to enter the church or to submit his offerings. As per the dogmas of the Orthodox Christians, they follow traditional customs and beliefs. They have great affection towards church and structures used by their forefathers. When it is close down for more than a reasonable time, it leads to the violation of the primary religious rights of a person.

- Restriction for prayers and attendance of the church services.

There is no doubt for the fact that “people conduct prayer to get internal reliefs”. If there are restrictions on a person for the use of the worship place and time of worship, how could he get his internal satisfaction? How is it possible for a believer to relieve his mental agony, if the place of worship he uses is under Police surveillance?

There are some churches opened under restrictive conditions for worship. This has also been done by the state with the help of force. This temporary arrangement which pursues for a long time is in no way settle the large dispute.

Whenever there is friction and turmoil between believers it affects the whole body. It hinders people from entering into worship and receiving from God's Word. It creates an uninviting atmosphere for visitors in the church, it may hinder people from coming to Christ, and can even grieve the Holy Spirit (Eph. 4:30-32).

- Access to the Cemetery.

With respect to the present circumstances, the properties of the churches under dispute are claimed by the both the factions of the church. It includes cemetery, shrines, places of worship and other properties. The main issue is nothing else other than proportionately partitioning the properties held together. According to the church faith, on the second coming of Jesus, all of them

who are resting in the tombs shall rise up and go with him to the heaven. "Marvel not at this; for the hour is coming in which all that are in the graves shall hear His voice and shall come forth — they that have done good, unto the resurrection of life, and they that have done evil, unto the resurrection of damnation." (John 5:28-29)¹¹

Hence the church gives foremost emphasis to the cemetery and periodic prayers at the tomb of a late Christian. As similar to the access to the place of worship (church building), access to the cemetery is also part of the faith. The members of these two factions frequently come into arguments with regard to the entry and use of the cemetery. Sometimes even it has gone to the instances where it defames the corpus brought for funeral.

- Recurrent disturbances regarding the properties affect public tranquility.

Arguments and physical aggressions are common in the region where church dispute is so massive. Sometimes it affects the tranquility of the entire region it exists in. The state uses force also for protection of the people and prevention of physical aggressions in the area. This in turn affects the peaceful co-existence of the people in the area. Some of the regions of Ernakulam district of Kerala, generally witnesses similar instances. People of other religions also criticize this trend which followed in their place.

- Unconcerned about the orthodoxly built monumental structures of the ancient churches.

Orthodox and Jacobite have many ancient churches in Kerala. It includes churches which built thousands years ago and having rare sculptures on stone and indigenous wooden works. These structures are rare in the country and assets for its tourism development. The dispute existing churches including Thrikkunath Seminary, church in Kadamattom, church in Kollencherry were founded long years back (all are in Ernakulam district)

¹¹ 21st Century King James Version (KJ21).

and renovation measures are hardly done. The churches are close down by the state and preservations or renovations of the building is not possible as per the present situation.

- Hostage spreading to the next generation (it's a religious sentiments).

The issue became a religious sentiment and stretched long by the aggressors. The judiciary tried to solve it several times and still new issue arises from the situation. The new generations of the church, who are not at all cautious of the issue, are also dragged into by the aggressors. If the present situation continues, it would be miserable to say that, two factions are carrying on the sentimental problem to next generation. This would affect religious and spiritual rights on the next generation also.

Mutually consented arbitration is the best method to solve this religious as well as social problem. As Bibles verses teach: "But if he will not hear thee, then take with thee one or two more, that 'in the mouth of two or three witnesses every word may be established.'" (Matthew 18:16).¹² The interpretation of this verse says that if your private attempt fails to resolve the issue, you are then to take one other Christian and again confront the offending party. The presence of another Christian is as a witness to strengthen the serious effect of confrontation, to collaborate the exhortation of scripture, to amplify the Lord's presence in the meeting, and to verify the exchange of testimony. So the problem exist between the two parties are supposed to be solved in between the religion.

The Kerala High Court also made a similar comment in one of its judgments regarding church dispute to settle the dispute through arbitration. Thattathil B Radhakrishnan J.: "...we suggested to the learned counsel for the parties that if there can be a negotiated settlement between the two factions relating to various disputes either by way of mediation or conciliation, as the case may be, it would be appropriate for the community

¹² 21st Century King James Version (KJ21).

in the furtherance of their spiritual and temporal goals as religious denomination.”¹³

Mahatma Gandhi said that: “I admire Christ but not Christians”. The most civilized and cultured religion in the world which brought forth great development and alleviated the standard of the people, Christian religion in India, deserves high respect and honor. Minor issues exist among the Christian religion, which should not have happened in this religion, should be discussed and solved immediately.

Especially the dispute between Orthodox and Jacobite factions, they have decided to go apart and settle as different churches. Still, new issues arise and the real intention on the part of the members of the churches is not at all fulfilling. Presently, there are more than hundreds of cases between the two factions. It includes criminal as well as civil cases also.

As it is earlier suggested, the exact solution, which can be brought forth, is a mutual consent settlement through a genuinely driven arbitration. For that active and experienced mediators should be presented. Before the mediation, the exact problem between the factions should be addressed among the human rights forums and it has to be identified as human rights violation of a person's rights. Violation of a believer's right to freely practice, propagate and profess a religion.



¹³ RFA No. 310 of 1010, dated 23rd day of November 2010.