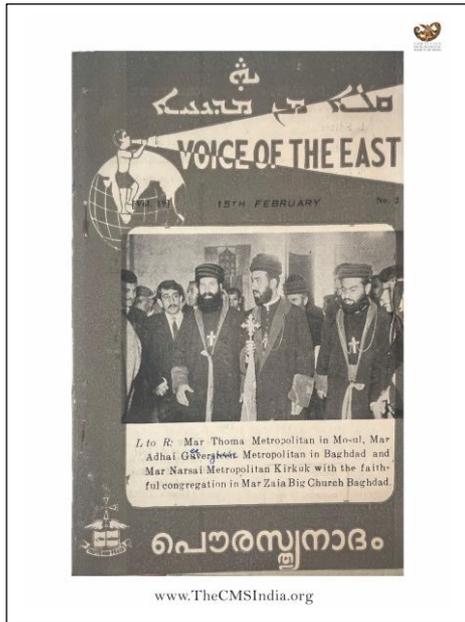


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# VOICE OF THE EAST

Vol. 18

1971 February

Book 2.

## Editorial

### FASTING

Our Lord Jesus Christ fasted and prayed. So we have an example to follow. We Christians fast and pray.

The fifty days before Easter and twenty five days before Christmas are observed as days of fast and prayer.

But the three days of the Rogation of the Ninavites are observed on Feb. 8 to 10 as Bavotha meaning Requests. It is a commemoration of the repentance of the people of Nineveh (the present Mosul) in the day of Prophet Jonah. Also in the days of Mar Savreesho Metropolitan of Beth Slokh the People prayed with repentance and fasting. So they were saved from the impending calamity.

Now we pray that God may listen to our prayers and grant our requests, for the peace and progress of our Church.

Editor.

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## JUDGMENT

O. S. No. 8 of 1965

(Continuation)

16. Ext. D -4 refers to certain income tax and foreign exchange irregularities committed by the 1st defendant. What these irregularities are has not been described either in Ext. D4 or in the evidence in this suit. Similarly Ext. D4 refers to the 1st defendant having funds from enemies. The basis and particulars of the charge has not been given in Ext. D4 or in this suit. Ext. D4 refers also to the presence of the Police and Army in the Church premises in Trichur. The presence of the Police is admitted, though not that of the Army. While the presence of the Police or the Army in Church is highly objectionable from the moral or sentimental point of view, I do not understand how it is uncanonical and of such seriousness as to deprive the 1st defendant of his position as Metropolitan. If there are disturbances apprehended, certainly the 1st defendant is within his powers in securing the assistance of the authorities to safeguard peace. That cannot be the basis of charge against him. The learned counsel for the plaintiffs has also argued that the insistence of the 1st defendant to be adjudged by a Synodical Council is untenable and contrary to the oath taken by him and also contrary to canons. Whatever it be, it is seen from the suspension order itself that the Patriarch has conceded that the 1st defendant could stand his trial before a Synodical Council. That being so, this cannot be made an attack against the 1st defendant at all.

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17. Ext D4 also refers to various acts of insubordination committed by the 1st defendant. We do not know and we are not in a position to test the seriousness or the truth of these alleged acts and such undisclosed charges cannot be the basis for any action.

18. The last and what appears to me, to be the most important charge against the 1st defendant is, that he refused to obey the summons of the Patriarch to go over to the Patriarchal See in U. S. A. It is contended before me that the Patriarch has no right to summon the Metropolitan. Any way, the present summons is purposeless, in as much as, it was only to discuss certain unspecified charges and hearing the explanations from the 1st defendant which he could very well do in writing, and that the 1st defendant has not refused to obey the summons, but he was only prevented for sufficient reasons communicated in writing to the Patriarch, from going to U. S. A. So far as the power of the Patriarch concerned, my attention has been drawn to several portions of canon law, which seen in Exts P 7, P.8, P.9 (a D25 (b) and D24 (a), in their chronological order. The correctness of the translations of these canons has been accepted at the Bar though challenged at the stage of evidence. Ext. P. 7 is from the Synod of Mar Dadhisu The Catholicos (424 A. D.), which states that no complaints can be brought against a Patriarch and that if there are any such complaints, they should be reserved to the judgment of Christ. It is also stated that no man has right to call a Council against the Patriarch and that Patriarch will be the Judge of all those under him and his own judgment will be reserved to Christ. The following extracts are also relevant :—

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"From this day hence whomsoever is lower (in rank) than the Catholicos in his disciple and is subject and obligated unto him, and can be judged by the Catholicos, and his decision must gladly be carried out . . . ." And as the Bi-hops rose to their feet they moreover stated: These things we have decided upon through your approval Oh, Our Father, and that should any one, whether in our time or in future dare break one of these rules, he must be thrown out . . . . . Neither we nor those who come after us have no authority to loosen or to abrogate those rules which we have decided upon and confirmed in the name of the Holy Trinity and on which we lay our signatures in this record."

Ext P-7 also refers to Chapter 8 Paragraph 9 of the Synod which reads thus:

"Whatsoever is summoned by the Patriarch must come without delay, but if there be a very important reason which prevents him from doing so, then he should state his reason in writing and under his own signature. He who refuses to appear is subject to the Synodical rules, till he comes and answers for himself and confesses his fault before the Patriarch."

Thus Ext P-7 shows that the Patriarch has the right to summon anyone below him and on such summons the person summoned is under an obligation to go over unless there is a very important reason which prevents him from doing so. Failure to obey summons makes him subject to Synodical Rules. It is also clear that the Patriarch as the President of the Synod and the head of the See has got the right to summon any one under him and failure to obey his summon will result in automatic excommunication of the Synodical Council.

19. Ext. P-8 which is found in page 2 of Ext. P-24 is a Synod of Mar E-hooyow, the Catholicos Patriarch (385 A. D) which runs thus: -

"And we decree that any Metropolitan, Bishop, Priest or layman that may belittle, reject refuse to obey anything which has been decided upon or commanded according to the will of Christ by the Patriarch, such a person we all excommunicate, and by the word of Christ we decree him out from his office until he is contrite and repentant from his guilt and subjects himself to the supreme head of the Church ...

... .. The Patriarch should also suspend a Bishop or Metropolitan who is needful of correction in conjunction with a Bishop, but when it is absolutely necessary for the administration and the peace of the Church, he (the Patriarch) is endowed with authority to suspend any Metropolitan or Bishop".

Thus Ext. P-8 makes it clear that the command of the Patriarch is liable to be obeyed and if not obeyed such persons should be suspended in conjunction with a Bishop in and extra-ordinary circumstances, by the Patriarch himself.

20. Ext. P-9 refers to several canons of which we are concerned with a few Canon 5 of the Synod of Mar Aba, 1st, reads thus:

"When the Patriarch seeks the Metropolitans and Bishops or when the Metropolitan sends for Bishops or when the Bishops send for those in the ministry under him, they obey quickly and unhesitatingly. They have no right to disobey their words"

P 23 Canon 39 of the same Synod reads thus:

"Whenever a deacon is punished by a priest or a priest punished by a Vicar or a Vicar punished by a Bishop or a bishop punished by a Metropolitan or a Metropolitan by the Patriarch, even though it may be

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said by the one punished that he is undeservingly punished, let him remain strictly (carefully) under disciplinary action. He who is under disciplinary measures shall remain bound and pray justice of the one who bound him, in the general assembly and after the trial in the assembly, let him take their judgment as final and as justice commands."

Similar effect is canon No. 23 of the Synod of Mar Joseph the Catholicos. Canon 13 of the Synod of Mar Ezekiel Catholicos (A.D. 576) reads thus:-

"Those things which are framed and set by the Patriarch neither the Metropolitans nor the Bishops have permission to break or nullify any one of them, because it is heavenly order and all are members under the head looking towards him."

Canon 15 of the same Synod reads Thus:-

"When there are necessities and the Patriarch writes to those who please, they shall come quickly and unhesitatingly. But if some known and essential matters happen they shall inform explicitly in writing about the same. If there be some who do not send letters out of indolence, they shall be liable to judgment and punishment from the synod."

At page 6 of Ext. D 24 is a Synod marked Ext. D24 (a) which is Canon VII of the Synod of Mar Yousip which reads thus:-

"Whatever the Metropolitan or Patriarch does, must be done through the general council of the Bishops. Because the more Bishops there are in the council, the better will it be confirmed and purified and trusted . . . . But if the subject is so urgent and necessary that delay till the Bishops assemble could not be brooked and if the subject is most important and necessary which does not allow delay and if the waiting for the arrival of the Bishops will cause destruction, because of the emergency of the case nothing should be done without a council of three Bishops may be considered as a General Council

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according to the saying of our Lord Jesus Christ who had said "If two or three gather in my name, there in their midst will I be". If any dare to do otherwise he is guilty unto the judgment which will be pronounced against him by the General Council".

Unfortunately the year of this Synod is not seen in Ext D24 (a). These various canons have been interpreted in several ways by various parties in the case. The question whether the Patriarch has a right to summon has to be judged in the light of these canons. None of the canons extracted show that the Patriarch cannot summon a Metropolitan. On the other hand, they make it clear that the Patriarch as a Patriarch and as the head of the Synod and also as head of the See, has got the right to summon a Metropolitan. The position is made clear from Exts. P7 and P9. The argument that the purpose of the summons must be examined to test the validity of the summons also cannot stand in view of the canons extracted above. The right of the Patriarch, recognised in the canons, to summon a Metropolitan appears to be unconditional and untrammelled by any limitation. A reading of the canons does not show that a summons must be accompanied by a narration of the purpose of the summons. That being so, it is not open for the Metropolitan to question the purpose alleged. However, it is clear from the above canons also that if there are reasonable grounds which prevent the Metropolitan from obeying the summons, the Metropolitan cannot be subject to disciplinary action. The question for consideration is whether there were any reasonable grounds which prevented the 1st defendant from obeying the summons contained in Ext. P-4.

(to be continued)

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# LETTER FROM MOSUL

His Grace Mar Thoma Giwargis Metropolitan of Mosul writes as follows :-

I should like to inform you that we are up to this moment in good health.

Regarding our religious duties we are free to achieve our sermons whenever we like and we have a strong unchangeable belief in our people here. Here are in brief some of our activities and news concerning the Church.

1- On 22nd of March 1970, I have ordained PETROS AZZO deacon. He is from Leban and is appointed to a Church in America with Rt. Rev. SADOOK.

2- I have paid a religious visit to the north of IRAQ there I ordained three deacons on the 1st of Nov 1970.

- A. Deacon BACUS THOMA
- B. Deacon YOUKHANA YOUNAN
- C. Deacon SHMOEL YOUNATHEM

3- We managed successfully to buy a Patriarch-palace in Baghdad.

4- I have put a plan to build 5 Churches in the north of IRAQ and they have in fact started with them.

5-- We have rented a Metropolitan palace in Mosul.

6-- We are permitted to establish a Club by the name of Assyrian Youth Olympic Club in Mosul, Actually all the members are from the Eastern Ancient Church.



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## NEWS.

### GOLDEN JUBILEE

The St. Thomas Church, Pattikad celebrated its Golden Jubilee in a grand manner. Six Metropolitans and Bishops representing various religious denominations spoke on the occasion.

### PARISH FESTIVALS & EVANGELISTIC CAMPAIGN

Mar Yohannan Mamdana church celebrated its Festival from 21 to 24th Jan. During the festival Rev. Kenny Joseph the celebrated evangelist and President of REAP organisation of Japan conducted sermons. At the end films depicting life of christ and St. Paul were shown--Mar Aprem Church also conducted its festival on 13th and 14th of this month. Kathakalashabam was also conducted there.

### SUNDAY SCHOOL

Rev. M. P. Lazar is elected as the new secretary of Mar Aprem Sunday School and Deacon T. V. Thomas as his assistant.

### CLERGY CONFERENCE

This year's clergy conference was conducted on 26th January at Mar Esthapanose Sahda Church, Nellingara.

### SUSPENSION CASE

A "stay" was granted by the High Court of Kerala on the Judgement in the Trichur Additional District Court regarding the so-called suspension of late Mar Thoma Darmo.

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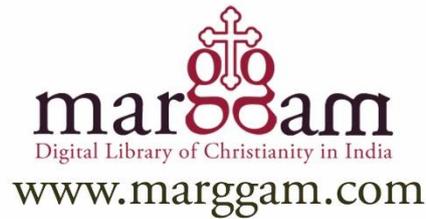
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