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SANCTISSIMI DOMINI NOSTRI

PII

DIVINA PROVIDENTIA

PAPAE IX

EPISTOLA ENCYCLICA

AD ARCHIEPISCOPOS EPISCOPOS, CLERICOS, MONACHOS
UNIVERSOSQUE FIDELES PATRIARCHATUS BABYLONIENSIS

CHALDAEORUM

GRATIAM ET COMMUNIONEM APOSTOLICAE SEDIS

HABENTES

Ven. Fratribus Archiepiscopis Episcopis, et dilectis Filiis Clericis, Monachis, universisque fidelibus Patriarchatus Babylonensis Chaldaeorum gratiam et communionem Apostolicae Sedis habentibus.

PIUS PP. IX.

*Venerabiles Fratres ac dilecti Filii
Salutem et Apostolicam Benedictionem.*

1. Quae in patriarchatu chaldaici ritus nonnullis abhinc annis gesta sunt et etiam nunc geruntur etsi vos ignorare non credamus, ea tamen recolere iuvat, ut probe sciatis quonam res devenerint, quid a nobis factum fuerit, quid modo agendum supersit, ut imminetia catholicae vestrae fidei et unitati damna propulsentur. Veremur enim, ne minus sincere actum vobiscum fuerit, et captiosis verborum ambagibus veritas obscurata sit; facta autem vel calumniose exposita, vel in pravum omnino sensum fuerint detorta. Quapropter praedecessorum Nostrorum exempla sectantes, qui in similibus rerum adiunctis Episcopos, Clerum et populum edocere non praetermiserunt quis esset verus status rerum, hoc ipsum

OF OUR MOST HOLY LORD

PIUS

BY DIVINE PROVIDENCE

POPE IX

ENCYCLICAL LETTER

TO THE ARCHBISHOPS, BISHOPS, CLERICS, MONKS,
AND ALL THE FAITHFUL OF THE PATRIARCHATE OF BABYLON
OF THE CHALDEANS
HAVING THE GRACE AND COMMUNION OF THE APOSTOLIC SEE

To the venerable brothers, the archbishops and bishops, and to the beloved sons, the clerics, monks, and all the faithful of the Patriarchate of Babylon of the Chaldeans who possess the grace and communion of the Apostolic See. Pius PP. IX. Venerable brothers and beloved sons: greeting and apostolic blessing.

1. Although We do not suppose that you are ignorant of what has taken place in the patriarchate of the Chaldean rite for some years, and what is still taking place now, it is useful to recall it, so that you may clearly know where matters have come, what has been done by Us, and what remains to be done to repel the dangers now threatening your Catholic faith and unity. We fear that matters may not have been dealt with sincerely before you, and that truth may have been obscured by captious circumlocutions; that facts may have been set forth calumniously, or twisted into an entirely perverse meaning. Therefore, following the examples of Our predecessors, who in similar circumstances did not fail to instruct bishops, clergy, and people concerning the true state of affairs, We wish to do the

apud vos praestare volumus, ne ulla ex parte Apostolatus Nostri officio deesse videamur.

2. Tanta est clades a Nestoriana haeresi in vestras regiones invecta, ut dominicam vineam istic olim florentem exterminaverit sicut aper de sylva, atque uti singularis ferus depastus sit eam. Siquidem paulatim evanuit accurata canonum disciplina, periit gravitas Pontificum, hominum Deum non timentium ambitio in ecclesiasticas dignitates insiliit, hereditariae patriarcharum successionis opprobrium invectum fuit: et catholica doctrina, nedum antiquis iam ferme obsoletis, sed etiam novis erroribus adeo infecta est, ut ipsum etiam Christianum nomen iam iam ferme delendum videretur. Horum malorum assiduam curam Romani Pontifices gerere non praetermiserunt, vix dum licuit Apostolicos viros in Orientem mittere; quorum laboribus et curis nonnulli identidem Nestoriani Praesules, haeresi eiurata, ad catholicam fidem et unitatem reversi sunt. Quo autem studio quantaque charitate iidem excepti fuerint, sive qui litteras ad Praedecessores Nostros dederunt, sive qui posthabitis longae peregrinationis molestiis et laboribus, ad hanc sanctam Urbem venire, manifeste apparet ex Apostolicae Sedis actis, eiusque litteris quas in archivis vestris adhuc extare credimus.

3. Exoptata tandem illuxit dies, qua pluribus difficultatibus e medio sublatis, et praesertim haereditariae patriarcharum successionis impedimento amoto, sperare licuit, ut restituto atque composito ordine ecclesiasticae disciplinae, quae fidei repagulum est et custodia, revirescere ac reflorere posset Chaldaici ritus Ecclesia. Id Nos sperabamus futurum opera Ven. Fr. Iosephi Audu tunc episcopi Amediensis, quem hac spe permoti Vicarium Apostolicum patriarchatus Chaldaici constituimus, quando hunc vacare contigit per renuntiationem Isaiae Iacobi in manibus Nostri factam: et valde gavisi fuimus cum postea eundem virum suffragiis Episcoporum ad patriarchalem dignitatem electum seu postulatum fuisse accepimus. Hanc proinde electionem seu postulationem in consistorio diei undecimae Septembris ann. MDCCCXLVIII liben-

same among you, lest We seem in any respect to fail in the duty of Our apostolate.

2. So great is the ruin brought into your regions by the Nestorian heresy that it has laid waste the Lord's vineyard, once flourishing there, like a boar from the wood, and has fed upon it like a wild beast. Little by little accurate canonical discipline disappeared; the authority of the pontiffs perished; the ambition of men who did not fear God forced its way into ecclesiastical dignities; the disgrace of hereditary succession among patriarchs was introduced; and Catholic doctrine was infected not only with old errors already almost worn out, but also with new ones, to such a degree that the very Christian name seemed almost to be wiped out. The Roman Pontiffs did not cease to take continual care for these evils, as soon as it was possible to send apostolic men into the East. By their labors and solicitude, some Nestorian prelates, from time to time, abjured heresy and returned to the Catholic faith and unity. With what zeal and charity they were received - whether they sent letters to Our predecessors or came to this holy city after putting aside the hardships and labors of a long journey - is plainly evident from the acts of the Apostolic See and from its letters, which We believe still survive in your archives.

3. At length the long-desired day dawned when, many difficulties having been removed, and especially the impediment of hereditary patriarchal succession having been taken away, it was possible to hope that, with ecclesiastical discipline restored and set in order - that discipline which is the bulwark and guardian of faith - the Church of the Chaldean rite could revive and flourish again. We hoped this would happen through the work of Venerable Brother Joseph Audu, then bishop of Amadiya. Moved by this hope, We appointed him Apostolic Vicar of the Chaldean patriarchate when it became vacant through the resignation of Isaiah Jacob made into Our hands. Later We greatly rejoiced when We learned that the same man had been elected, or postulated, for the patriarchal dignity by the votes of the bishops. We therefore very gladly confirmed this election or

fissime confirmavimus, eumque patriarcham Babyloniensem Chaldeorum auctoritate Nostra Apostolica instituimus, et a multis contradictoribus statim appetitum, strenue defendimus. Praeconceptam spem confirmarunt non solum fides et obedientia quam Nobis Nostrisque successoribus, sicuti omnium catholicorum patriarcharum mos est ac debitum, interposita iurisiurandi religione ipse promisit, verum et obsequentissimae eius litterae, quibus egregios sensus suae devotae voluntatis, et animi Nobis atque huic S. Sedi devincti significavit.

4. Verum haud multo post et semel et iterum scripsit ad Nostram Congregationem de Propaganda fide, delatas ad se fuisse Malabarensium litteras, opera et studio haeretici cuiusdam Syro-Iacobitarum Episcopi ibidem commorantis; in quibus iidem Malabarenses, multis querimoniis et accusationibus congestis contra Latinos Missionarios et Episcopos, eorum curam Nostro nomine gerentes, postulabant sibi dari Patriarcha Episcopum sui ritus. Etsi exploratum esset, ipsum Patriarcham nulla pollere iurisdictione in Malabarenses, horum tamen querimoniae expendendae erant diligenter, ut spiritualibus illorum necessitatibus eo efficacius et alacrius occurreremus, quo maiorem eorum sollicitudinem Apostolica Sedes habere debet, quos per suos Vicarios regit et gubernat. Quapropter accuratissima veri investigatio instituta est, ut quid demum in eorum utilitatem decernendum esset, tuto iudicaremus. Cum itaque definitivum responsum differretur, innotuit, quod postea comprobatum est autographis eius litteris datis die XXI Decembris an. MDCCCLVI ad quemdam Malabarensium presbyterum Emmanuelem nomine, ab ipso Patriarcha Malabarensium desideria excitari, spem foveri, modum quoque insinuari, quo demum voti compotes fierent, eosque moneri, ut querimoniis contra Missionarios crebrisque ac repetitis postulationibus Apostolicam sedem fatigaret. Interea Nos miti ratione rem componere cupientes, Pro-Delegato Nostro in Mesopotamia mandandum curavimus, ut Patriarcham a coeptis removeret, hic autem monitus est ne quid in Malabariam auderet.

postulation in the consistory of 11 September 1848, instituted him by Our apostolic authority as Patriarch of Babylon of the Chaldeans, and vigorously defended him when he was immediately attacked by many opponents. Our earlier hope was confirmed not only by the faith and obedience which, as is the custom and duty of all Catholic patriarchs, he promised under oath to Us and to Our successors, but also by his most respectful letters, in which he expressed admirable sentiments of devoted will and a mind bound to Us and to this Holy See.

4. Not long afterward, however, he wrote more than once to Our Congregation de Propaganda Fide that letters from the Malabars had been delivered to him through the activity and efforts of a certain heretical Syro-Jacobite bishop living among them. In those letters the Malabars, having gathered many complaints and accusations against the Latin missionaries and the bishops who cared for them in Our name, asked that a patriarch-bishop of their own rite be given to them. Although it was certain that the patriarch possessed no jurisdiction over the Malabars, their complaints nevertheless had to be examined carefully, so that We might meet their spiritual necessities with the greater efficacy and readiness, since the Apostolic See must have greater solicitude for those whom it governs through its vicars. Therefore a most careful investigation of the truth was undertaken, so that We might safely judge what should finally be decreed for their benefit. While a definitive reply was being delayed, it became known - and was later proved by his autograph letter of 21 December 1856 to a Malabar priest named Emmanuel - that the desires of the Malabars were being stirred up by the patriarch himself, that their hope was being fostered, that the means by which they might finally obtain what they wished were being suggested, and that they were being warned to weary the Apostolic See with complaints against the missionaries and with frequent, repeated petitions. Meanwhile, desiring to settle the matter gently, We arranged for Our pro-delegate in Mesopotamia to be instructed to turn the patriarch away from these undertakings; the patriarch was also warned not to dare to do anything in Malabar.

5. Ipse vero dicto ~~amanti~~ non fuit, et Malabarensium regionem multo iure suam iam esse contendens, frustra obtinente et prohibente etiam sub interminatione censurarum Ven. Fratris Henrico Amanton Episcopo dum viveret Arcadiopolitano, Nostroque in Mesopotamia Delegato, Thomam Rokos e suis familiaribus elegit, et episcopali caractere auctum in Malabariam misit. Qui illuc profectus et falso asserens, se iussu Nostro ab eodem Patriarcha missum fuisse, ecclesiasticam iurisdictionem usurpavit, multos licet minus dignos ad ordines promovit, Malabarensium illam Ecclesiam sus deque vertere non dubitavit. Hisce ausibus permoti et querelis sacerdotum Malabarensium excitati, Ven. Fratri Bernardino Archiepiscopo Pharsaliensi, qui tunc temporis illi Ecclesiae vicaria nostra potestate praeerat, mandavimus, ut praedictum Episcopum Thomam moneret canonicè ut illinc abiret, renuentem vero solemniter excommunicaret; quod et factum est. Nos interim accitum Romam Patriarcham coram graviter reprehendimus de admissio facinore, eique praecepimus, ut quem in Malabariam temere intruserat Episcopum Rokos ipsemet illico revocaret. Obedienti Patriarchae expetitam ab eo veniam et absolutionem a censuris benigne concessimus.

6. Tum vero rem omnem et cuncta quae gesta fuerant, expendi iussimus a Ven. Fratribus nostris S. R. E. Cardinalibus Congregationis de Propaganda Fide pro Negotiis Ritus Orientalis, in conventu habito die sexta Martii an. MDCCCLXV: in quo omnibus rite ac mature perpensis, concordibus suffragiis Nobisque probantibus definitum est, non expedire ut Patriarchae Babylonensis Caldaeorum iurisdictione in Malabariam extenderetur, et multa simul constituta sunt, tam ad Malabariensium incolumitatem procurandam, quam ad perturbationem animorum sedandam, quae inter Chaldaeos excitata erat ob ea quae a Patriarcha temere facta fuerant. Hisce Apostolicis mandatis licet dolenter Patriarcha acquievit aut saltem acquiescere visus est; quam opinionem confirmarunt posteriora eius gesta; etsi enim aliquid minus recte ab eo postmodum factum esse doleremus, se tamen Nobis mo-

5. He did not obey the order. Claiming that the region of the Malabars was now his by stronger right, and despite the vain opposition and prohibition, even under threat of censures, of Venerable Brother Henry Amanton, bishop of Arcadiopolis during his life and Our delegate in Mesopotamia, he chose Thomas Rokos from among his household, raised him to the episcopal character, and sent him to Malabar. Rokos went there, falsely asserted that he had been sent by the patriarch at Our command, usurped ecclesiastical jurisdiction, promoted many - even though less worthy - to orders, and did not hesitate to throw that Malabar Church into confusion. Moved by these audacious acts and stirred by the complaints of the Malabar priests, We commanded Venerable Brother Bernardino, Archbishop of Pharsalus, who then governed that Church by Our vicarial authority, canonically to warn Bishop Thomas to depart, and solemnly to excommunicate him if he refused. This was done.

Meanwhile We summoned the patriarch to Rome and severely rebuked him to his face for the crime committed; We ordered him immediately to recall, himself, the Bishop Rokos whom he had rashly thrust into Malabar. When the patriarch obeyed, We kindly granted him the pardon and absolution from censures which he asked.

6. Then We ordered the whole matter and all that had been done to be examined by Our venerable brothers, the cardinals of the Holy Roman Church belonging to the Congregation de Propaganda Fide for the affairs of the Oriental Rite, in a meeting held on 6 March 1865. There, after everything had been duly and maturely weighed, it was determined by unanimous vote and with Our approval that it was not expedient for the jurisdiction of the Patriarch of Babylon of the Chaldeans to be extended into Malabar. At the same time many measures were established both to secure the welfare of the Malabars and to calm the disturbance of minds stirred up among the Chaldeans because of what the patriarch had rashly done. The patriarch, though with sorrow, submitted to these apostolic commands, or at least seemed to submit; his later conduct confirmed that opinion. For although We were grieved that afterward something was done by him less

rigerum uti par erat praeiuit, Nostramque auctoritatem pro suo debito reveritus, praeclarum etiam obedientiae specimen exhibuit, tum evulgato uti iussimus Nostro decreto quo censuras ab eo temere latas abrogavimus, tum denegata consecratione episcopali cuidam Malabarensi, quam nonnulli in ea regione nostrarum rerum molitores ab eo flagitabant.

7. Cum ita se res haberent, quod iamdudum Apostolica Sedes et Nos ipsi in votis habueramus, chaldaicae Ecclesiae prospiciendum duximus, ut ecclesiasticam disciplinam, quae incerta prorsus, collapsa, et etiam propter temporum asperitatem ferme oblitterata erat, instauraremus, salvis tamen eius ritibus, qui a SS. Patribus instituti et ab hac Apostolica Sede probati fuisse dignoscerentur. Hoc animi Nostri propositum per Nostram Congregationem de Propaganda Fide Patriarchae de mandato Nostro significatum est die tertia Septembris an. MDCCCLXVIII, atque una simul ad eum missum fuit exemplum Constitutionis Nostrae editae IV idus Iulii an. MDCCCLXVII, qua nonnulla disciplinae capita, praesertim de episcoporum electione, in Armenio patriarchatu servanda sancita fuerant. Quae ubi accepit, primo quidem per Episcopum Eliam Mellus, qui Romae tunc aderat, tum per suas litteras (1) ad praefatam Congregationem semel et iterum datas, significatum nobis voluit, se quoad certas regulas in Episcoporum electione servandas a Nostra voluntate minime dissentire, quam omni studio et obedientia excipientem profitebatur; atque ex praemissa episcoporum electionum ordinatione bene sperare, si utilis Nobis et opportuna videretur; velle autem ut quod gaudio et laetitiae Nobis est, semper perficeretur. Inter haec vero, cum viduari contigisset pastoribus suis chaldaici ritus ecclesias Diarbekiriensem et Mardensem, aliquot sacerdotum nomina Nobis proposuit, ut quos digniores et magis idoneos in Domino iudicarem, eos iisdem dioecibus auctoritate Nostra praeficeremus; quod Apostolicis Nostris litteris datis die XXII Martii an. MDCCCLXIX

(1) Lit. dat. die 31 Iulii 1868, alicae dat. die 24 Maii 1869.

rightly, he nevertheless showed himself obedient to Us as was fitting, and reverent toward Our authority according to his duty. He even gave a distinguished example of obedience, both by publishing, as We ordered, Our decree abolishing censures rashly imposed by him, and by refusing episcopal consecration to a certain Malabar which some agitators for innovations in that region were demanding from him.

7. While matters stood thus, We judged that care should be taken for the Chaldean Church in the way the Apostolic See, and We Ourselves, had long desired: that We should restore ecclesiastical discipline, which had become altogether uncertain, collapsed, and, because of the severity of the times, almost forgotten, while preserving those rites known to have been instituted by the holy Fathers and approved by this Apostolic See. By Our command this intention of Ours was made known to the patriarch through Our Congregation de Propaganda Fide on 3 September 1868. At the same time there was sent to him a copy of Our constitution issued on 12 July 1867, in which certain points of discipline, especially concerning the election of bishops, were decreed to be observed in the Armenian patriarchate. After receiving these things, first through Bishop Elias Mellus, who was then in Rome, and then by his own letters to the aforementioned Congregation, he wished it to be made known to Us more than once that he did not in any way dissent from Our will regarding certain rules to be observed in episcopal elections, and that he professed that will should be received with all zeal and obedience. He also said that he had good hope from the proposed regulation of episcopal elections, if it seemed useful and opportune to Us; and that he wished whatever was a joy and consolation to Us always to be accomplished. Meanwhile, when the Chaldean-rite Churches of Diyarbakir and Mardin happened to be deprived of their pastors, he proposed to Us the names of several priests, so that We might, by Our authority, place over those dioceses those whom We judged before the Lord to be more worthy and suitable. This was done by Our apostolic letters of 22 March 1869. We

factum est. Quibus devotionis et obedientiae significationibus adeo permoti fuimus, ut cum ipse umiliter exposuisset, in alle se ut quem Amadiensi praefeceramus Ecclesiae, hunc Mardensi daremus episcopum, et vicissim, Nos eius petitioni annuendum omnino duxerimus.

8. Post haec non diutius differendam censuimus ordinationem disciplinae in patriarchatu Chaldaici ritus, in qua ab Episcoporum electione rite peragenda initium ducendum omnino erat; nisi enim spectatissimi viri qui iuxta cor Dei et voluntatem eius faciant, ad onus illud angelicis humeris formidandum assumantur, gravissima damna et ferme immedicabiles calamitates Ecclesiae obveniunt; quod omnium temporum et locorum historia testatur, experientia confirmat. Hunc in finem eoque consilio edita a Nobis est pridie Kalendas Septembris anno MDCCCLXIX Apostolica constitutio, cuius initium *Cum ecclesiastica disciplina*: in qua circa electionem Episcoporum id ferme servandum constituebatur quod ipse Patriarcha, uti supra diximus, libenter egerat pro dioecesibus Diarbekiriensi et Mardensi; videlicet ut cum aliquam Sedem episcopalem vacare contingeret, tres Nobis spectati viri ab Episcoporum synodo proponerentur, ut quem digniorem et magis idoneum iudicaretur, eum vacanti dioecesi praeficeremus; irritum autem et inane fore decernebatur, si quid contra praemissa contingeret attentari.

9. Indictum iam tum fuerat oecumenicum Concilium Vaticanum, atque ad illud convocati cuiusque gentis et ritus Episcopi. Aduit et inter eos idem Ven. Frater Patriarcha Chaldaeus cum omnibus ferme sui ritus Episcopis; quem tamen brevi valde mutatum ab illo dolentissime sensimus, a quo iampridem plura Nobis exhibita fuerant reverentiae et obedientiae argumenta. Nam diu renuit consecrare episcopos praedictarum Ecclesiarum Diarbekiriensis et Mardensis sacerdotes Petrum Attar et Gabrielem Farso, quos inter ceteros ab eo propositos elegeramus, assignata unicuique quam ille maluerat Ecclesia. Deinde cum ex Urbe esset discessurus, postulari ab eo iussimus declarationem adhaesionis ani-

were so moved by these signs of devotion and obedience that, when he humbly explained that he preferred the man whom We had placed over the Church of Amadiya to be given as bishop to Mardin, and conversely, We judged that his petition should be granted.

8. After this We judged that the ordering of discipline in the patriarchate of the Chaldean rite should no longer be delayed, and that the proper election of bishops was the necessary starting point. Unless men of proved worth, who act according to the heart and will of God, are assumed to that burden - a burden fearful even to angelic shoulders - the Church suffers the gravest injuries and almost incurable calamities, as the history of all times and places witnesses and experience confirms. To this end and with this purpose We issued, on the day before the Kalends of September 1869, the apostolic constitution beginning *Cum ecclesiastica disciplina*. In it, concerning the election of bishops, We established that roughly the same procedure should be observed which the patriarch himself, as We said above, had willingly followed for the dioceses of Diarbakir and Mardin: namely, when an episcopal see happened to become vacant, three approved men were to be proposed to Us by the synod of bishops, so that We might place over the vacant diocese the one We judged more worthy and suitable. It was also decreed that anything attempted contrary to these provisions would be null and void.

9. By then the Ecumenical Vatican Council had been announced, and bishops of every nation and rite had been summoned to it. The same venerable brother, the Chaldean patriarch, was present among them with almost all the bishops of his rite. Yet We soon felt, with great sorrow, that he had become very different from the man who had long before shown Us many proofs of reverence and obedience. For a long time he refused to consecrate as bishops of the aforesaid Churches of Diarbakir and Mardin the priests Peter Attar and Gabriel Farso, whom We had chosen from among those he had proposed, assigning to each the Church he himself had preferred. Then, when he was about to leave the city, We ordered that a declaration of adhesion and submission

mique sui submissionis Constitutioni de Ecclesia Christi editae in IV sessione oecumenici concilii Vaticani, cui sessioni ipse non adfuerat; quin et Nos ipsi ad hoc debitum officium praestandum illum hortati atque obtestati fuimus, exemplo proposito aliorum Episcoporum, qui eam declarationem, cum quartae sessioni non interfuissent, edere non dubitarunt. Ille autem primo moras nectere coepit ac tergiversari, tum pervicaciter asserere, id se utilius acturum, postquam in Sedem suam reversus esset, pollicendo simul se nihil omisurum quo Nobis satisfaceret. Hoc factum non potuit Nobis non afferre magnum dolorem et anxietatem, quae eo magis aucta fuit, cum ille Constantinopolim advectus, Neoschismaticorum Armeniorum blanditiis, et fraudibus circumventus ac exemplis incitatus, cum iis etiam aliquando in divinis communicare non dubitavit: et dum suam fidelitatem civilibus legibus solemnique actu profiteretur, non obscure insinuavit Apostolicas Nostras constitutiones iisdem adversari. Quo tempore illud etiam accessit, ut ipsi Legato Nostro extraordinario tunc Constantinopoli commoranti debita etiam urbanitatis officia exhibere neglexerit: et litteris a Nostra Congregatione missis, quibus opportuna monita erant concedita, nullum omnino responsum dederit; ac praeterea in Mesopotamiam reversus, novarum rerum molitoribus studuerit, et multa temere dixerit, quae, uti relatum fuit, non modo cum catholici Episcopi officio, sed etiam cum ipsa orthodoxa fide componi non poterant.

10. Haec nobis dolentissime audientibus, observabatur animo dominicum praeceptum B. Petro datum confirmandi fratres, unaque debitum animarum salutis procurandae, et tuendi dominici gregis. Gravissima enim Nobis erat conditio, ad quam, inimicitia et pravis artibus quorundam, qui se Patriarchae patrocinio suffultos dicebant, redactus erat Ven. Fr. Timotheus Archiepiscopus Chaldaeorum Diarbekiensium: qui infensum in se eiusdem Patriarchae animum sentiens dolentissimas querimonias et preces et semel et iterum ad Nos dabat, ut eum permitteremus ab episcopali of-

of mind to the constitution on the Church of Christ, issued in the fourth session of the Ecumenical Vatican Council, be requested of him, since he had not been present at that session. We Ourselves even urged and adjured him to perform this duty, setting before him the example of other bishops who, because they had not attended the fourth session, did not hesitate to issue such a declaration. He first began to weave delays and to evade the matter; then he stubbornly asserted that he would do it more usefully after returning to his see, promising at the same time that he would omit nothing by which he might satisfy Us. This fact could not but bring Us great sorrow and anxiety, which increased all the more when, after going to Constantinople, surrounded by the flatteries and deceits of the neo-schismatic Armenians and stirred by their examples, he did not hesitate even sometimes to communicate with them in divine things. And while by a certain solemn act he professed his loyalty to the civil laws, he not obscurely insinuated that Our apostolic constitutions were opposed to them. At that time it also happened that he neglected to show even the due courtesies to Our extraordinary legate then staying in Constantinople; gave no reply at all to the letters sent by Our Congregation, in which timely warnings had been entrusted; and, after returning to Mesopotamia, favored agitators of innovations and rashly said many things which, as was reported, could not be reconciled not only with the office of a Catholic bishop, but even with orthodox faith itself.

10. When We heard these things with deepest sorrow, there came before Our mind the Lord's command given to blessed Peter to strengthen his brethren, together with the duty of procuring the salvation of souls and guarding the Lord's flock. For very grave in Our eyes was the condition to which Venerable Brother Timothy, Archbishop of the Chaldeans of Diarbakir, had been reduced by the hostility and wicked arts of certain men who said that they were supported by the patriarch's patronage. Feeling the patriarch's mind to be hostile to him, he addressed to Us, more than once, most sorrowful complaints and prayers that We would allow

ficio cessare. Itaque Nos Ven. Fr. Zachariae Episcopo dum viveret Maroneae mandavimus, ut Mauxilium profectus Patriarcham conveniret, et admissa a Nobis renunciatione praefati Ven. Fr. Thimothei, eum auctoritate Nostra Apostolicum Vicarium dioecesis Diarbekiriensis virum constitueret, quem idem Patriarcha maluisset. Hunc vero efficaciter adduceret ad debitam declarationem adhaesionis et submissionis suae decretis quartae sessionis Concilii Vaticani; quae omnino ipsi necessaria erat, non solum quia adversus illa Neoschismatici Armeni blaterabant, et ipsa quam post reditum suum Patriarcha tenuerat agendi ratio fidelibus admirationi erat, verum etiam ut aeternae suae saluti consuleret, et scandalum amoveret, aut saltem praeverteret quod ex eiusdem silentio iam suboriebatur.

11. Hisce monitis tandem aliquando memoratus Patriarcha acquievit, suamque edidit adhaesionem scriptis consignatam, adiecta tamen declaratione, qua sibi omnia iura et privilegia patriarchalia reservata et conservata volebat. Qua in re etsi suspicari possemus, minus sincere Nobiscum agi, tamen antiquam eius fidem, cuius in ipsa declaratione meminerat, et vim ac potestatem quam in eum iam tum exercebant improbi considerantes, unaque simul Eius exempla praee oculis habentes de quo scriptum est (1), calamum quassatum non conteret, et linum fumigans non extinguet, maluimus in ea declaratione desiderium potius Patriarchae perspicere, quam iniquam conditionem, aut limitationem professionis fidei. Itaque eum adhaesionis actum ita Nos recipiendum duximus, ut manifeste declararem quo eum sensu excipere intendebamus; ideoque catholicam doctrinam traderemus tam de Pontificio primatu quam de iuribus patriarcharum. Proinde has dedimus ad eum Apostolicas litteras die XVI Novembris ann. MDCCCLXXII.

(1) Isaias XI. II. 3. — Matth. XII. 20.

him to withdraw from the episcopal office. Therefore We commanded Venerable Brother Zachary, bishop of Maronea during his life, to go to Mosul, meet the patriarch, and, since We had admitted the resignation of the aforesaid Venerable Brother Timothy, appoint by Our authority as apostolic vicar of the diocese of Diyarbakir the man whom the patriarch himself preferred. Zachary was also to bring the patriarch effectively to the required declaration of his adhesion and submission to the decrees of the fourth session of the Vatican Council. This was altogether necessary for him, not only because the neo-schismatic Armenians were railing against those decrees and because the patriarch's own conduct after his return was a cause of astonishment to the faithful, but also that he might provide for his eternal salvation and remove, or at least forestall, the scandal already beginning to arise from his silence.

11. At last, mindful of these warnings, the mentioned patriarch yielded and issued his written act of adhesion, adding, however, a declaration by which he wished all patriarchal rights and privileges to be reserved and preserved for himself. Although in this matter We might have suspected that he was dealing with Us less sincerely, nevertheless, considering his ancient faith, which he recalled in the declaration itself, and the force and power which wicked men were already exercising over him, and at the same time keeping before Our eyes the example of Him of whom it is written, 'He shall not break the bruised reed, nor quench the smoking flax,' We preferred to see in that declaration the patriarch's desire rather than an unjust condition or limitation of his profession of faith. Therefore We judged that this act of adhesion should be received in such a way that We would clearly declare in what sense We intended to accept it, and thereby hand down Catholic doctrine both on the pontifical primacy and on the rights of patriarchs. Accordingly, We addressed to him apostolic letters on 16 November 1872.

*Venerabili Fratri Iosepho
Patriarchae Babyloniensi Chaldaeorum*

PIUS PP. IX.

Ven. Frater salutem et Apostolicam benedictionem.

13. « Gratias agere bonorum omnium debemus Auctori, qui quod assiduis precibus exorare non omisimus, id benigne concedere dignatus est, uti per tuas litteras die XXIX Iulii huius anni datas, de tuae devotionis pietate gaudentes cognovimus. Siquidem aperte declarasti adhaerere Te Decretis et Constitutionibus Sacri Concilii Vaticani, et praesertim dogmaticae definitioni de Romani Pontificis infallibili magisterio in rebus fidei et morum, quae edita fuit in IV eiusdem Concilii sessione. Et gratissimum Nobis accidit a Te ipso accipere, quod Apostolicae huic Sedi ab infantia devotus, his omnibus firmiter ac semper adhaerens, quae sancta Ecclesia Romana docet ac praecipit; et propterea, quae modo ad salutem ore confessus es, iam antea corde credidisse ad iustitiam.

« Neque profecto aliter fieri potuisset, quandoquidem nihil est manifestius in sacris litteris et in sanctorum Patrum scriptis, in gestis oecumenicorum Conciliorum et in sacris Canonibus, quam ea quae de suprema Romani Pontificis potestate Oecumenicum Concilium Vaticanum decrevit atque sancivit, renovando atque uberius declarando, prout recentiores errores postulabant, Oecumenicae Synodi Florentinae eadem super re definitionem, videlicet: Ecclesiam Romanam, disponente Domino, super omnes alias ordinariae potestatis obtinere principatum; et hanc Romani Pontificis iurisdictionis potestatem, quae vere episcopalis est, immediatam esse; erga quam cuiuscumque ritus et dignitatis pastores atque fideles, tam seorsum singuli quam simul omnes, officio hierarchicae subordinationis, veraeque obedientiae obstringuntur, non solum in rebus quae ad fidem et mores, sed etiam in iis quae ad disciplinam et regimen Ecclesiae per totum

*To Venerable Brother Joseph
Patriarch of Babylon of the Chaldeans
PIUS PP. IX.*

Venerable Brother, greeting and apostolic blessing.

13. We must give thanks to the Author of all good things, who graciously deigned to grant what We had not ceased to ask in constant prayers, as We learned with joy from your letters of 29 July of this year, rejoicing in the piety of your devotion. You openly declared that you adhere to the decrees and constitutions of the Holy Vatican Council, and especially to the dogmatic definition on the infallible teaching office of the Roman Pontiff in matters of faith and morals, issued in the fourth session of that Council. It was most pleasing to Us to learn from you yourself that, devoted to this Apostolic See from infancy, you have firmly and always adhered to all that the holy Roman Church teaches and commands; and that what you have now confessed with the mouth unto salvation, you had already believed in the heart unto justice. Nor indeed could it have been otherwise, since nothing is more evident in the sacred Scriptures, in the writings of the holy Fathers, in the acts of ecumenical councils, and in the sacred canons, than what the Ecumenical Vatican Council decreed and sanctioned concerning the supreme power of the Roman Pontiff. In doing so it renewed and more fully declared, as recent errors required, the definition of the Ecumenical Synod of Florence on the same matter: namely, that the Roman Church, by the Lord's disposition, holds the primacy of ordinary power over all other Churches; that this power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate; and that pastors and faithful of whatever rite and dignity, each one separately and all together, are bound toward it by the duty of hierarchical subordination and true obedience, not only in matters concerning faith and morals, but also in those concerning discipline and the government of the Church spread throughout

orbem diffusae pertinent; ita ut custodita cum Romano Pontifice tam communionis quam eiusdem fidei professionis unitate, Ecclesia Christi sit unus grex sub uno summo pastore: hanc autem esse catholicae veritatis doctrinam, a qua deviare salva fide atque salute nemo potest. Quae quidem omnia et singula plene ac rite profiteri te voluisse, concilii Vaticani constitutionibus adhaerendo, minime ambigimus.

» Habes hinc Ven. Frater, quid Christus Dominus circa hierarchicum Ecclesiae regimen et ordinationem Ipse constituerit. Episcoporum vero (quibus iure divino communis dignitas est) distinctio et discretio potestatis iure ecclesiastico inducta fuit, *ne omnes sibi omnia vindicarent: sed essent in singulis provinciis singuli, quorum inter fratres haberetur prima sententia, et rursus quidam in maioribus urbibus constituti sollicitudinem susciperent ampliorem, per quos ad unam Petri Sedem universalis Ecclesiae cura conflueret, et nihil usquam a suo capite dissideret* (1). Ab ipso enim quasi quodam capite dona sua voluit Dominus in corpus omne manare (2): et revera ab Eo eiusve successoribus maiores Sedes habuere quidquid rite obtinent honoris et potestatis. Quoniam autem Beatus Petrus, qui in propria Sede et vivit et praesidet (3), praestat quaerentibus fidei veritatem, Eiusque dignitas in successoribus non deficit, vides Ven. Frater, horum esse et debitum et ius ea de praemissis decernere, quae Ecclesiae bonum ac utilitas, et vera animarum salus, quae suprema lex est, pro diversis temporibus ac locorum adiunctis, in Domino suggesserint.

» Haec porro catholicae fidei documenta dum arroganter posthabentur, schismatibus quin et haeresibus latum iter aperitur, quod omnium temporum historia testatur: et etiam nunc ipso rerum monstratur effectu, cum a nonnullis nec iustitiae moderatio, nec fidei sit servata religio. Nostri Venerabilis Frater, luctuosum schisma quod nuperrime excita-

(1) S. Leo PP. ad Anastas. Thessalonicens. ep. 14. Ed. Baller. Tom. I.

(2) S. Leo PP. ad Hilar. Arelaten. ep. 10. Ed. Baller. Tom. I.

(3) Epist. S. Petri Chrysolog. ad Eutich. Inter Op. S. Leon. Tom. I. edit. cit.

the whole world. Thus, with unity of communion and of the same profession of faith preserved with the Roman Pontiff, the Church of Christ is one flock under one supreme shepherd. This is the doctrine of Catholic truth, from which no one can deviate while keeping faith and salvation safe. We have no doubt that, by adhering to the constitutions of the Vatican Council, you wished to profess all these things fully and rightly. From this, venerable brother, you have what Christ the Lord Himself established concerning the hierarchical government and order of the Church. The distinction and distribution of power among bishops, who by divine law share a common dignity, was introduced by ecclesiastical law so that all would not claim everything for themselves, but that in individual provinces there would be individual bishops whose judgment would have first place among their brethren, and again that certain bishops established in greater cities would assume a broader solicitude, through whom the care of the universal Church would flow together to the one See of Peter, and nothing anywhere would disagree with its head. From him, as from a certain head, the Lord wished His gifts to flow into the whole body; and in truth, from him or from his successors the greater sees have whatever honor and power they rightly possess. Since blessed Peter, who lives and presides in his own see, furnishes to those who ask the truth of faith, and since his dignity does not fail in his successors, you see, venerable brother, that it belongs to their duty and right to decide those matters in the foregoing which, according to different times and circumstances of places, the good and advantage of the Church and the true salvation of souls - the supreme law - suggest in the Lord. When these teachings of the Catholic faith are arrogantly disregarded, a broad path is opened to schisms and even heresies, as the history of all times witnesses and as the present outcome itself shows, when moderation in justice and reverence for faith have not been kept by some. You know, venerable brother, the sorrowful schism recently excited in

tum est Constantinopoli a nonnullis Armenis; qui etsi catholicos se nuncupare praesumat, ut incautis et imperitis fucum faciant, a veritate tamen et unitate catholica miserrime defecerunt, Nostroque iudicio et auctoritate condemnati sunt. Hi quidem pro recepto haereticorum more nihil non moliuntur, nihil non audent, ut abducant discipulos post se, suaeque perditissimae causae undequaque patrocinium conquirant: et eo consilio etiam fidelibus chaldaici ritus insidiati sunt et insidiari non praetermittunt. Hinc non dubitamus, quin Tu Ven. Frater, ad fideles tibi creditos in veritate et unitate catholica continendos, prouti dignitas et officium tuum omnino postulant, novum Armenium schisma a Nobis iam reprobatum fuisse aperte denuncies; atque illos doceas, nullam omnino eis licere communicationem cum iisdem Neoschismaticis praesertim in divinis. Ipsos quippe ab Ecclesia Catholica prorsus exclusos atque eiectos esse, vel ipsae litterae quae a Romano Pontifice, hoc est a prima et Apostolica Sede manaverunt, satis superque testantur (1).

» Hac autem occasione tacere non possumus, Ven. Frater, de Diarbekiriensi tui patriarchatus Ecclesia, quam non ignoras multis abhinc annis contentionibus et aemulationibus vexari ac dividi; et propterea multa passum fuisse, qui novissime illi praefuit, Episcopum Petrum Di-Natale. Quo defuncto cum Te proponente eidem in Episcopum praefecerimus Ven. Fr. Petrum Timotheum Attar, contentiones praedictas non deferbuisse dolentissime accepimus; immo Neoschismatico spiritu afflante eo processisse ut, quod adeo improbabat Apostolus in Corinthiis, alius se dicat esse Pauli, alius vero Cephae: atque ipse Ven. Fr. Timotheus et semel et iterum a Nobis enixe flagitaverit, ut ipsum tanta iactatum tempestate, ab officio quod ei commisimus cessare permetteremus. Huiusmodi schismata et scandala e medio tollere necessarium omnino est. Quapropter Te hortamur et in Domino Nostro

Constantinople by certain Armenians. Although they presume to call themselves Catholics in order to deceive the unwary and inexperienced, they have most miserably fallen away from Catholic truth and unity and have been condemned by Our judgment and authority. In the manner received among heretics, they attempt everything and dare everything to draw disciples after themselves and to seek support everywhere for their utterly ruined cause. With this purpose they have also laid snares for the faithful of the Chaldean rite and do not cease to do so. We therefore do not doubt that you, venerable brother, as your dignity and office absolutely require, will openly announce to the faithful entrusted to you that the new Armenian schism has already been condemned by Us, and will teach them that no communication at all with those neo-schismatics is permitted, especially in sacred rites. The letters proceeding from the Roman Pontiff - that is, from the first and Apostolic See - testify more than enough that they have been altogether excluded and cast out from the Catholic Church. On this occasion We cannot be silent, venerable brother, about the Church of Diyarbakir in your patriarchate, which you know has for many years been troubled and divided by contentions and rivalries; and for that reason Bishop Peter Di Natale, who most recently presided over it, suffered many things. After his death, when at your proposal We placed over it as bishop Venerable Brother Peter Timothy Attar, We learned with the deepest sorrow that the aforementioned contentions had not cooled, but, under the breathing of the neo-schismatic spirit, had gone so far that one says he is of Paul and another of Cephas - the very thing the Apostle so strongly reproved in the Corinthians. Venerable Brother Timothy himself has earnestly begged Us more than once to permit him, tossed by so great a storm, to withdraw from the office We committed to him. Such schisms and scandals must be altogether removed. Therefore We exhort you, and beseech you in our Lord Jesus Christ, venerable brother, to apply every effort effectively and as soon as possible to composing and extinguishing

1) S. Nicephorus adv. Iconomachos cap. 13 ap. Zonaram in can. 28 Conc. Chalced.

Iesu Christo obsecramus, Ven. Frater, ut dissidiis istis componendis extinguendis operam omnem efficaciter et quamprimum adhibeas. Qua in re procuranda persuasum tibi esse volumus. consilium, operam atque auctoritatem Nostram nullo pacto tibi defuturam.

« Vetus porro est itemque notissimus haereticorum mos, catholicos quos fraudibus, metu, vi opprimere enituntur, dissociare primum et in factiones discindere; tum calumniis et contumeliis etiam apud Reges et Principes urgere, ut hac ratione istorum patrocinium aucupentur, in catholicos vero odium excitent atque indignationem. Nihil autem sollicitius agunt, quam ut ab Apostolicae Sedis unitate et communione eos divellant, quos in factionem suam trahere, et socios proinde sceleris simul ac perditionis habere connituntur. Quam ob rem, dum fideles haeresi vel schismate exagitari contingit, solemne semper fuit catholicis, imprimis vero Episcopis, medicam Romani Pontificis manam, uti aiebat magnus ille Basiliius Caesariensis, exposcere, auctoritatemque invocare; ut in Beati Petri Apostolorum Principis firmitate Orientalis Ecclesiae fundamenta solidarentur.

« Age itaque Ven. Frater, praecepta sectare atque exempla maiorum, qui loquuti sunt verbum vitae; quorum intuendo exitum conversationis, imitare fidem. Christus heri et hodie, ipse et in saecula: et quod Ipse constituit Ecclesiae fundamentum nemo unquam evellere poterit; sicuti ab eo, quem universis praeposuit Pastorem, secedere nemini unquam licebit, qui in grege Dominico manere velit.

« Haec doce et exhortare in Christo Iesu; in his esto, ut nemo accipiat coronam tuam. Consenuimus ambo Ven. Frater, et velox est depositio tabernaculi nostri: proinde ministerium nostrum strenue quam qui maxime implere satagamus; Tu quidem in populum quem tibi Deus per Nos regendum commisit: Nos vero in universam Ecclesiam, quam imperscrutabili iudicio infirmitati Nostrae pascendam et gubernandam ipse Dominus concredidit. Et si quid ea de causa nos pati contingat gaudeamus et exultemus, nos dignos habitos esse pro

these dissensions. In doing this, We wish you to be assured that Our counsel, assistance, and authority will in no way be lacking to you. It is an old and very familiar custom of heretics first to separate and divide into factions the Catholics whom they strive to oppress by fraud, fear, or force, and then to press them even before kings and princes with calumnies and insults, so that by this means they may capture the patronage of those rulers and stir up hatred and indignation against Catholics. Nothing do they pursue more anxiously than to tear away from the unity and communion of the Apostolic See those whom they strive to draw into their faction and therefore to have as associates in crime and perdition. For this reason, whenever the faithful are harassed by heresy or schism, it has always been customary for Catholics, and especially for bishops, to seek the healing hand of the Roman Pontiff, as that great Basil of Caesarea said, and to invoke his authority, so that the foundations of the Eastern Church might be strengthened in the firmness of blessed Peter, prince of the apostles. Go forward, therefore, venerable brother. Follow the precepts and examples of the elders who spoke the word of life; considering the outcome of their way of life, imitate their faith. Christ yesterday and today, the same forever; and no one will ever be able to tear out the foundation which He established for the Church, just as no one who wishes to remain in the Lord's flock may ever depart from Him whom Christ set over all as shepherd. Teach and exhort these things in Christ Jesus; abide in them, so that no one may take your crown. We have both grown old, venerable brother, and the putting off of our tabernacle is swift. Therefore let us strive as strongly as possible to fulfill our ministry: you among the people whom God through Us has committed to your rule; We in the universal Church, which the Lord Himself, by an inscrutable judgment, entrusted to Our weakness to feed and govern. And if for this reason anything happens to us that we must suffer, let us rejoice and be glad that

nomine Iesu contumeliam pati¹ et mercedem nostram copiosam fore in coelis.

« Haec Tibi, Ven. Frater, quem sincera charitate persecuti semper fuimus et prosequimur, non minus quam Nobis a Deo enixe adprecamur: novumque interim pignus et argumentum dilectionis Nostrae his addere volentes, ac spiritualibus animi tui necessitatibus ob praesentes Orientalis Ecclesiae perturbationes occurrere cupientes, illis quantum est opus per Nostras hasce litteras Apostolica Nostra potestate et indulgentia plene consulimus.

« Inter haec novas tuas litteras accepimus datas die XVI Septembris huius anni, atque una simul chirographum a Ven. Fr. Simeone Archiepiscopo Senhanen, die prima eiusdem mensis signatum ad suam adhaesionem Sacri Concilii Vaticani constitutionibus comprobendam: quod et a Ven. Fr. Thoma Archiepiscopo Bassoren. die XXIX Iulii huius anni actum fuerat. Qua de re iisdem Ven. Fratribus tibi que gratulamur, quod Praesules omnes tui patriarchatus unanimes et cum consensu ambulantes in domo Domini, hanc animorum consensionem non corde tantum foveant, sed solemniter et palam profiteantur: quo nihil est opportunius ad schismata vel impedienda vel etiam extinguenda, et pacem inter fideles conservandam.

« Ipse autem Dominus pacis confirmet Te in omni opere bono, et det Tibi pacem sempiternam; cuius nomine et auctoritate Apostolicam Benedictionem Tibi, et universis Episcopis, clericis, monachis et fidei populo Babylonensis Patriarchatus, in communionem et obedientiam Apostolicae Sedis perseverantibus, peramanter impertimus.

Datum Romae apud S. Petrum die XIV Novembris an. MDCCCLXXII Pontificatus Nostri an. XXVII. »

14. In responso, quod hisce Nostris litteris dedit Patriarcha (1), multis verbis suam erga Nos et hanc Apostolicam B. Petri cathedram obedientiam ac devotionem profitebatur, seque omnino curaturum promittebat, ut fideles sui

(1) Lett. dat. die 12 Maii 1873.

we have been counted worthy to suffer reproach for the name of Jesus, and that our reward will be plentiful in heaven. These things, venerable brother, whom We have always pursued and still pursue with sincere charity, We earnestly pray from God for you no less than for Ourselves. Meanwhile, wishing to add a new pledge and proof of Our affection, and desiring to provide for the spiritual needs of your soul because of the present disturbances of the Eastern Church, We fully provide for them, insofar as is necessary, by Our apostolic power and indulgence through these letters of Ours. Meanwhile We have received your new letters dated 16 September of this year, together with a document signed on the first day of the same month by Venerable Brother Simon, Archbishop of Senha, proving his adhesion to the constitutions of the Holy Vatican Council; the same had been done by Venerable Brother Thomas, Archbishop of Basra, on 29 July of this year. We congratulate those venerable brothers and you, because all the prelates of your patriarchate, walking with one mind and consent in the house of the Lord, not only cherish this harmony of minds in their hearts, but solemnly and publicly profess it. Nothing is more opportune for preventing or even extinguishing schisms and preserving peace among the faithful. May the Lord of peace Himself confirm you in every good work and give you everlasting peace. In His name and by His authority We lovingly impart the apostolic blessing to you and to all bishops, clerics, monks, and faithful people of the Patriarchate of Babylon who persevere in the communion and obedience of the Apostolic See. Given at Rome, at St. Peter's, on 14 November 1872, in the twenty-seventh year of Our pontificate.

14. In the reply which the patriarch gave to these letters of Ours, he professed in many words his obedience and devotion toward Us and this apostolic chair of blessed Peter, and promised that he would take complete care that the faithful of his patriarchate should be free from the errors

patriarchatus ab erroribus novii Armenii schismatis immunes forent, eosque penitus et ex animo detestarentur. Et profecto rem prospere successisse gavisi fuisset, nisi timendi occasionem praevisisset iterata petitio facultatis mittendi Episcopos sui ritus in Malabariam: ad quam obtinendam et gentis illius necessitates, quibus satis provisum non fuisse asserebat; et conscientiae suae anxietatem, nisi praesto esset, obtendere nitebatur. Quae omnia cum a memorata Nostra Congregatione Orientalium Rituum negotiis praeposita sedulo expensa fuissent, Nos relatione accepta Patriarchae responderi iussimus (1), eius postulatis quoad probe nosceremus id in utilitatem animarum minime cessurum: Malabarensium spirituali saluti satis per Nos consultum esse; ideoque acquiesceret, omnemque hac de causa animi anxietatem deponeret. Plura etiam in eodem responso addita sunt, ut eius animus erigeretur, quem sciebamur improborum consiliis tentatum, iniuriis lacessitum, minis perterritum.

15. At paulo post apparuit quo hominem ceteroquin probum adducere valeant pravorum molimina, cum eos tempus iuvat: et profecto nullum opportunius ad suos ausus desiderare potuissent. Iam tum enim novum Armenium schisma conflatum fuerat, iam exarserat, ad persequendos et expoliandos catholicos, iam aliorum rituum orientalium Ecclesias vel invitas in suas partes et perfidiam trahere nitebatur. Itaque die vigesimaquarta Maii anno MDCCCLXXIV in solempni die festo Pentecostes, Ven. Fr. Iosephus Patriarcha non timuit contristare Spiritum Sanctum. Nam eo ipso die duos Sacerdotes sui ritus Eliam alterum, alterum Matthaeum nomine, ad episcopalem dignitatem sacrilege evehere non reformidavit, assistentibus Elia Mellus Episcopo Akrensi Chaldaeorum et Eliseo Abbate Generali Monachorum S. Hormisdas; eorumque alterum Iezirensi, alterum Amediensi Ecclesiis temere et inaniter praefecit: etenim quominus id fieri ab eo posset, impediabat praedicta Nostra Constitutio edita anno MDCCCLXIX.

(1) Litt. dat. die 30 Septembris 1873.

of the new Armenian schism and should detest them thoroughly and from the heart. We would indeed have rejoiced that matters had turned out well, had not repeated petition for permission to send bishops of his own rite into Malabar given Us reason for fear. To obtain that permission he tried to put forward both the necessities of that people, for whom he asserted insufficient provision had been made, and his own anxiety of conscience unless he came to their aid. After all these things had been carefully weighed by the aforementioned Congregation in charge of the affairs of the Oriental Rites, and after receiving its report, We ordered that the patriarch be answered that, as far as We clearly knew, his requests would not in the least serve the benefit of souls; that We had made sufficient provision for the spiritual welfare of the Malabars; and that therefore he should acquiesce and lay aside all anxiety of mind on this account. Many other things were added in the same reply to raise his spirits, for We knew that he was tempted by the counsels of the wicked, assailed by injuries, and terrified by threats.

15. But shortly afterward it appeared to what lengths the intrigues of the wicked can lead an otherwise good man when the time favors them; and indeed they could not have desired a more opportune time for their attempts. For the new Armenian schism had already been formed and had already flared up to persecute and despoil Catholics, and was striving to draw even unwilling Churches of other Oriental rites into its party and treachery. Thus, on 24 May 1874, the solemn feast of Pentecost, Venerable Brother Joseph the patriarch did not fear to grieve the Holy Spirit. On that very day he did not shrink from sacrilegiously raising two priests of his rite, one named Elias and the other Matthew, to the episcopal dignity, with Elias Mellus, Chaldean bishop of Aqra, and Elisha, abbot general of the monks of St. Hormisdas, assisting; and he rashly and vainly placed one over the Church of Jezira and the other over the Church of Amadiya. The aforesaid constitution of Ours issued in 1869 prevented him from being able to do

Tum, spretis aliis Apostolicae Sedis litteris et decretis, Episcopum Eliam Mellus in Malabariam destinavit: quem a suscipiendo itinere dimovere non valuerunt neque Nostra interdictio, neque indicta a Nobis suspensionis poena ipso facto incurrenda si illud aggredi ausus fuisset; quae omnia illi opportune significata fuerant.

16. Horum facinorum serie et gravitate adducti, eundem Patriarcham graviter admoneri iussimus per dilectum Filium Nostrum Alexandrum Tituli S. Mariae in Transtiberim S. R. E. Cardinalem Franchi, Praefectum memoratae Nostrae Congregationis de propaganda Fide pro Negotiis Rituum Orientalium. A quo litterae datae sunt ad Patriarcham die XXVII Augusti eiusdem anni, ac in eius memoriam revocata Apostolicae Sedis mandata et prohibitiones; argumenta quibus earum vim enervare ipse studuerat sunt dissoluta: improbata est missio memorati Episcopi Mellus in Malabariam, improbata illegittima consecratio duorum episcoporum: declaratum est, horum electionem nullam esse omnique effectum carere; interdictum eisdem quodvis episcopalis ordinis exercitium; ipsique Patriarchae expresse mandatum, ut Episcopum Mellus ex Malabaria, alios a dioecibus in quas ab eo intrusi fuerant, ipsemet revocaret, suorumque actorum rationem redderet: id nisi intra statutum temporis spatium faceret, Summum Pontificem licet invitum canonicis in ipsum poenis omnino usurum esse. Item moniti sunt, mandantibus Nobis, duo presbyteri Matthaeus et Elias; denunciata eisdem nullitate electionis, interdicto exercitio pontificalium, iniuncto discessu a dioecibus quas occupaverant, comminatis ni parerent ecclesiasticis poenis. Monendi adhuc erant qui sacrilegae consecrationis participes fuerant. Verum Abbatem Eliseum praeripuit Deus: ille enim haud multo post vita excessit, quin ulla daret poenitentiae argumenta. Episcopus vero Mellus cum in Malabariam advenisset, a Ven. Fr. Leonardo Archiepiscopo Nicomediensi Vicario Apostolico Verapolitano, auctoritate Nostra, iuxta litteras ad eundem. Vicarium datas die prima Augusti an. MDCCCLXXIV, quarum initium est *Speculatores*, so-

this. Then, spurning other letters and decrees of the Apostolic See, he sent Bishop Elias Mellus to Malabar. Neither Our prohibition nor the penalty of suspension, to be incurred by the very fact if he dared to undertake that journey, could dissuade him from taking it; all these things had been made known to him at the proper time.

16. Moved by the series and gravity of these crimes, We ordered that the same patriarch be gravely admonished through Our beloved son Alessandro, Cardinal Franchi of the title of Santa Maria in Trastevere, prefect of the aforementioned Congregation de Propaganda Fide for the affairs of the Oriental Rites. Letters were sent by him to the patriarch on 27 August of that year, and the commands and prohibitions of the Apostolic See were recalled to the patriarch's memory. The arguments by which he had tried to weaken their force were answered. The mission of the mentioned Bishop Mellus into Malabar was condemned; the illegitimate consecration of the two bishops was condemned; it was declared that their election was null and had no effect; every exercise of episcopal order was forbidden to them; and the patriarch himself was expressly commanded to recall Bishop Mellus from Malabar and the others from the dioceses into which they had been intruded by him, and to give an account of his acts. If he did not do this within the appointed time, the Supreme Pontiff, though unwilling, would certainly use canonical penalties against him. Likewise, at Our command, the two priests Matthew and Elias were warned: the nullity of their election was denounced to them, the exercise of pontifical functions was forbidden, departure from the dioceses which they had occupied was enjoined, and ecclesiastical penalties were threatened if they did not obey. Those who had participated in the sacrilegious consecration still had to be warned. But God carried off Abbot Elisha; for not long afterward he departed this life without giving any sign of repentance. Bishop Mellus, after arriving in Malabar, was solemnly excommunicated by Venerable Brother Leonard, Archbishop of Nicomedia and Apostolic Vicar of Verapoly, by Our authority and in accordance with the letters addressed to that vicar on

lemniter fuit excommunicatus; quandoquidem intrusus ille canonicè monitus, ut illinc abiret, obedire recusavit.

17. Diu expectatum Patriarchae responsum (1) satis probavit, nolle eum acquiescere monitionibus Nostris: totus enim in eo erat ut fidei suae integritatem assereret, suamque erga Apostolicam B. Petri Cathedram devotionem et submissionem profiteretur, simul tamen praetensa sua patriarchalia iura tueretur; et nos flagitaret, ut iisdem tranquille eum frui permitteremus, revocando quae circa Malabariam et electionem Episcoporum ab Apostolica Sede decreta sunt: demum suae aetatis canitiam et exantlatos a se labores commemorans, Nos ad sui suaeque gentis commiserationem excitabat. Interim vero neque a sententia desistebat, neque a temerariis ausibus, quandoquidem altera etiam vice episcopos temere et sacrilege consecrare non reformidavit, quos alios sui ritus presbyteros Cyriacum et Philippum Iacobum, quorum alterum dioecesi Zakuensi, alterum Indis destinavit, assistentibus et cooperantibus nefariae consecrationi Episcopo Thoma Rokos, et Matthaëo antea per eundem Patriarcham sacrilege consecrato. Profecto Nos vehementissime doluimus considerantes, quo miserrime devenerit pravorum consiliis actus idem Ven. Frater Iosephus Patriarcha, qui olim catholicae fidei et unitatis studiosissimum se exhibuit. Ac porro cogitantes, misericordiam non remissam, sed cum iudicio esse debere; ne si inordinate culpa dimittitur, is qui est culpabilis in reatu gravius astringatur; neque misericordiae esse, sed torporis et sordidae aliquid indulgere, quod unius vel plurium libito satisfaciatur, multorum autem saluti damno et exitio futurum sit, alias ad ipsum Patriarcham dandas litteras censuimus, in quibus misericordiam et iudicium pariter servare volentes, summatim recolimus quae ab eo perperam facta fuerant et fiebant, inanitatem rationum quibus se tueri conabatur patefacere voluimus, illumque rursus monere, ut Apostolicis mandatis tandem aliquando pro suo debito obediret; quod nisi quamprimum faceret, denunciabamus Nos abstinere non posse

(1) Litt. dat. die 20 Februarii 1875

1 August 1874, beginning Speculatores, since that intruder, having been canonically warned to leave, refused to obey.

17. The long-awaited reply of the patriarch proved sufficiently that he did not wish to yield to Our warnings. Its whole purpose was to assert the integrity of his faith and to profess his devotion and submission toward the apostolic chair of blessed Peter, while nevertheless defending his alleged patriarchal rights and begging Us to allow him to enjoy them undisturbed by revoking what had been decreed by the Apostolic See concerning Malabar and the election of bishops. Finally, recalling the whiteness of his old age and the labors he had endured, he tried to move Us to compassion for himself and his nation. Meanwhile, however, he neither withdrew from his opinion nor from his rash attempts, since he did not shrink from rashly and sacrilegiously consecrating bishops a second time: two other priests of his rite, Cyriacus and Philip Jacob, one of whom he destined for the diocese of Zakho and the other for the Indies, with Bishop Thomas Rokos and Matthew, previously sacrilegiously consecrated by the same patriarch, assisting and cooperating in the wicked consecration. We were indeed most vehemently grieved when We considered to what a miserable state this same venerable brother Joseph the patriarch had been brought by evil counsels, he who once showed himself most zealous for the Catholic faith and unity. Reflecting also that mercy must not be slack, but joined with judgment - lest, if fault is pardoned without order, the guilty man be bound more gravely in guilt - and that it is not mercy but torpor and sloth to indulge anything which satisfies the whim of one or of a few but will be harmful and destructive to the salvation of many, We judged that other letters should be sent to the patriarch. In them, wishing to preserve both mercy and judgment, We briefly recalled what had been wrongly done and was being done by him, wished to reveal the emptiness of the reasons by which he tried to defend himself, and warned him again that at last he

a sectandis tandem praedecessorum Nostrorum vestigiis, qui veteres quoque patriarchas excommunicatione atque etiam depositiones cum opus fuit, mulctare non omiserunt. Hoc consilio die XV Sept. an. MDCCLXXV sequentes monitiones litteras ad eum dedimus.

VEN. FRATRI IOSEPHO

PATRIARCHAE BABYLONIEN. CHALDAEORUM

PIUS PP. IX.

Ven. Frater Salutem et Apostolicam Benedictionem

18. « Responsum a te redditum die vigesima Februarii huius anni monitionis litteris, Nostro iussu et auctoritate ad te datis a nostra Congregatione de Propaganda Fide pro negotiis ritus orientalis, multo nos dolore et moerore affecit: ex eo enim intelleximus, adhuc cor tuum a Nobis longe esse, etsi verbis honorem Nobis redderes: quoniam non posse te exequi profitebaris, quae per eas litteras nostro nomine et auctoritate tibi significabantur. Cum itaque monitionibus praedictis obedire recusaveris, et hanc inobedientiam novis etiam sacrilegis factis confirmaveris, hoc unum superesset, ut ecclesiasticas regulas et sanctorum Patrum instituta sectantes, canonicis te censuris, uti par est, subiiceremus. Verum recogitantes; catholicam fidem debitamque erga hanc Apostolicam Sedem reverentiam alias professum fuisse ac modo in tuis litteris profiteri, eamque etiam factis olim comprobasse, existimare maluimus te deceptum fuisse vaferrimis neo-haereticorum cavillationibus, quibus conciliari posse eam reverentiam cum inobedientia contenditur, quam te a catholicis tuis sensibus reapse defecisse.

» Quapropter Illius charitatem, quantum infirmitati Nostrae licet, imitari studentes, qui patienter agit, nolens aliquos perire, sed omnes ad poenitentiam reverti, a promeritis censuris contra te ferendis abstinemus, donec tibi haec Nostra reddatur epistola, quam peremptoriae et novissimae admonitionis loco esse volumus. Futurum enim speramus in Deo

should obey the apostolic commands according to his duty. Unless he did this as soon as possible, We declared that We could not refrain any longer from following the footsteps of Our predecessors, who did not fail to punish even ancient patriarchs with excommunication and even deposition when necessary. With this purpose, on 15 September 1875, We sent him the following admonitory letter.

18. Your reply of the twentieth day of February of this year to the admonitory letters sent to you by Our Congregation de Propaganda Fide for the affairs of the Oriental Rite, by Our order and authority, caused Us much grief and sorrow. From it We understood that your heart is still far from Us, although you honored Us with words, since you professed that you could not carry out what had been signified to you in Our name and by Our authority through those letters. Since, therefore, you refused to obey the aforesaid warnings and confirmed this disobedience by new sacrilegious acts, only this seemed to remain: that, following ecclesiastical rules and the institutions of the holy Fathers, We should subject you, as is fitting, to canonical censures. Yet, considering that you had formerly professed the Catholic faith and the reverence owed to this Apostolic See, that you still profess it in your letters, and that you once also proved it by deeds, We preferred to think that you had been deceived by the very crafty quibbles of the neo-heretics, by which they contend that such reverence can be reconciled with disobedience, rather than that you had in fact fallen away from your Catholic sentiments. Therefore, striving, as far as Our weakness permits, to imitate the charity of Him who acts patiently, not wishing any to perish but all to return to repentance, We refrain from imposing upon you the censures you have deserved until this letter of Ours is delivered to you; We wish it to stand in the place of a peremptory

Patre misericordiarum, ut tu gestorum tuorum pravitatem, et causarum quas iis excusandis praetexis futilitatem, nec non gravissimum debitum quo urgeris Ecclesiae Dei satisfaciendi agnoscens, redire velis ad cor; quaeque perperam gessisti, detestari ac retractare non moreris.

» Quae post tuum ab Urbe discessum, Constantinopoli primum, mox in tuo patriarchatu egeris usque ad declarationem tuae adhaesionis et submissionis decretis Concilii Vaticani editam die XXIX Iulii an. MDCCCLXXII praetermittere iuvat. Quae enim a te, eo temporis spatio, perperam patrata fuerunt, et Apostolicam Nostram sollicitudinem qua spiritualibus tuis necessitatibus consulimus, probe cognoscis. Nos sperabamus nullam amplius doloris causam te Nobis esse praebiturum. Post hoc tempus litterae a te datae fuerunt die decimasecunda Maii an. MDCCCLXXII ad memoratam nostram Congregationem, quibus postulabas, ut tibi facultas daretur episcopos in Malabaria constituendi; cui petitioni cum Nos annuere non possemus ob causas iam pluries tibi significatas, haud multo post, praestitutos tibi terminos transgredi non dubitasti, posthabitis omnino et despectis tum. Apostolicis Nostris litteris, quarum initium *Cum ecclesiastica*, queis regulas circa episcoporum electionem servandas sancivimus, tum aliis quibus et semel et iterum tibi praecepimus, ne in Malabaria quidquam auderes. Nam duos presbyteros episcopali caractere, augere eosque dioecesibus regendis temere constituere, et episcopum Eliam Mellus in Malabariam destinare contra mandata nostra non es veritus, qui eiusdem regionis metropolitam se nuncupare praesumit.

» Hos tuos ausus quae mala statim consequuta fuerint, et quae damna iidem catholicae ecclesiae tam in Malabaria quam in Mesopotamia intulerint, et quantum dedecus tuae dignitati et fidei irrogarint, satis deflare non possumus. Nam, adnitente praedicto Episcopo Elia, quem violatis Nostris iussis in Malabariam misisti, et solenni excommunicatione, auctoritate Nostra confixum, illic manere iubes, perturbata ibi est disciplina ecclesiastica; ad ordines etiam sacros promoti iu-

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and final warning. For We hope in God, the Father of mercies, that you, recognizing the perversity of your deeds, the futility of the reasons you put forward to excuse them, and the most grave debt by which you are urged to satisfy the Church of God, will be willing to return to your heart and will not delay to detest and retract what you have wrongly done. It is useful to pass over what you did after leaving the city, first at Constantinople and then in your patriarchate, until the declaration of your adhesion and submission to the decrees of the Vatican Council issued on 29 July 1872. You know well what was wrongly perpetrated by you during that interval, and you know Our apostolic solicitude by which We provided for your spiritual needs. We hoped that you would give Us no further cause for sorrow. After that time, however, letters were sent by you to Our aforementioned Congregation on 12 May 1873, asking that you be given power to appoint bishops in Malabar. Since We could not grant that petition for reasons already made known to you many times, you soon did not hesitate to transgress the limits laid down for you, entirely disregarding and despising both Our apostolic letters beginning *Cum ecclesiastica*, by which We sanctioned the rules to be observed concerning the election of bishops, and the other letters by which We commanded you again and again not to dare anything in Malabar. For you did not fear, contrary to Our commands, to augment two priests with the episcopal character and rashly to appoint them to the government of dioceses, and to send Bishop Elias Mellus into Malabar, where he presumes to call himself metropolitan of that region. We cannot sufficiently deplore the evils which immediately followed these attempts of yours, the losses they brought upon the Catholic Church both in Malabar and in Mesopotamia, and the dishonor they inflicted on your dignity and faith. For, through the efforts of the aforesaid Bishop Elias - whom you sent to Malabar in violation of Our orders and whom, although struck by solemn excommunication by Our authority, you command to remain there - ecclesiastical discipline there has been disturbed; young men either less suitable or

venes vel minus idonei vel prorsus indigni; ecclesiae catholice fraudulenter, vel etiam violenter ereptae; contumeliis et calumniis lacerati non solum missionarii apostolici, sed et ipse Ven. Frater Leonardus Archiepiscopus Nicomedien. qui vicaria Nostra potestate in ea regione fungitur: et luctuosum schisma invecum est et fovetur. Hinc dissidia et contentiones excitatae inter fideles Malabaricos, aliis legitimo suo Praesuli firmiter adhaerentibus, aliis intruso Eliae studentibus; qui omnes subdolas et nequissimas artes ad decipiendos incautos et simplices adhibere non destitit. Quandoquidem filius iste perditionis, non solum Apostolicas Nostras litteras, quarum initium *Speculatores*, datas ad Malabarenses die prima Augusti elapsi anni commenticias esse publice affirmare ausus est; verum eo devenit, ut Breve quoddam apostolicum, cui diem inscripsit vicesimam Augusti ann. LDCCCLXXII, effinxit omnino et commentus sit; illudque publice et solemniter tamquam nostras litteras promulgaverit. In quo ab isto falsario Apostolicarum litterarum calumniose dicitur, actum fuisse in oecumenico Concilio Vaticano de praetense tuo iure in Malabariam, illudque a Patribus agnitum, et a Nobis probatum fuisse; non metuentes huius sui mendacii tot testes, quot Patres oecumenico Concilio Vaticano interfuerunt. Interea per vos huiusmodi fallaciis offunditur animis error et caligo, et veritas in malitia adulteratur; fluctuant fideles in diversa abstracti, et nonnulli ex iis, schismatico invasori adhaerentes, putant se Apostolicae Beatissimi Petri cathedrae adherere.

» Si vero spectemus quae in Mesopotamia facta sunt, ibi cum gravi dolore respicimus, dioecesibus praeesse episcopos nullam cum hac Beatissimi Petri cathedra communionem habentes, qui contra apostolica mandata per te temere et irrito electos, sacrilege consecratos, perperam institutos. An poteris ignorare tu, qui ab infantia te in fide catholica studiose eruditum fuisse saepius commemoras, nullum posse, contradicente Apostolica Sede, legitimum episcopum institui; nullamque illi potestatem inesse, quem eadem Apostolica Sedes, omni iurisdictione carere declaraverit? An parum tibi vide-

altogether unworthy have been promoted even to sacred orders; churches have been taken from Catholics by fraud or even by violence; not only apostolic missionaries, but also Venerable Brother Leonard, Archbishop of Nicomedia, who exercises Our vicarial authority in that region, have been assailed by insults and calumnies; and a sorrowful schism has been introduced and fostered. Hence dissensions and contentions have arisen among the Malabar faithful, some firmly adhering to their legitimate prelate, others favoring the intruder Elias, who has not ceased to employ every deceitful and wicked art to deceive the unwary and simple. Indeed that son of perdition not only dared publicly to affirm that Our apostolic letters beginning *Speculatores*, sent to the Malabars on 1 August of last year, were fabricated; he even went so far as to forge and invent a certain apostolic brief, to which he assigned the date 20 August 1872, and to promulgate it publicly and solemnly as if it were Our letter. In that document, by this falsifier of apostolic letters, it is calumniously said that the alleged right you claim over Malabar was treated in the Ecumenical Vatican Council, recognized by the Fathers, and approved by Us. He did not fear the testimony against this lie of all the Fathers who attended the Ecumenical Vatican Council. Meanwhile, by such deceits, error and darkness are poured into minds, truth is adulterated in malice, and the faithful are tossed about, pulled in different directions; some of them, adhering to the schismatic invader, think that they are adhering to the apostolic chair of blessed Peter. If we look at what has been done in Mesopotamia, there with great sorrow We see bishops presiding over dioceses who have no communion with this chair of blessed Peter; rather, against apostolic commands, they were rashly and invalidly elected by you, sacrilegiously consecrated, and wrongly instituted. Could you have been ignorant - you who often recall that from infancy you were diligently instructed in the Catholic faith - that no one can be instituted a legitimate bishop against the opposition of the Apostolic See, and that no power belongs to one whom the same Apostolic See has declared to lack all jurisdiction? Does the overthrow of ecclesiastical order stirred up by your work seem a small thing to you - the disturbance of the faithful, contentions and rivalries, and the

tur subversio ecclesiastici ordinis tua opera excitata, fidelium perturbatio, contentiones et aemulationes, et gravissimum scandalum quod fidelibus illatum est, et infertur per tuam inobedientiam Apostolicis mandatis; ob quam exultant infideles et haeretici, ancipites haerent qui debiles sunt in fide, firmiores autem dolent ac lugent; et non vident qua ratione Patriarchae subesse possint, qui debitam Romano Pontifici obedientiam detrectat?

» Haec te ipsum intelligere ac timere satis ostendunt litterae, quibus ven. Fratres episcopos tui patriarchatus contra ipsas constitutiones et mandata Nostra commovere, et in tuas partes trahere voluisti. Istud confirmant dicteria calumnie contra missionarios apostolicos ipsumque Delegatum Nostrum Ven. Fratrem Ludovicum Archiepiscopum Damiaten. in vulgus sparsa; confirmat cura quam a te adhiberi accepimus, ne fideles et imprimis clerus cum missionariis versentur, eorumque ope, consilio, ministerio fruantur, intentato etiam per te censurarum metu pro iis qui ad eos accesserint; confirmat demum concitata in ipsos invidia civilis potestatis. cuius praesidium adversum Apostolicae Sedis mandata et censuras, quas te promeruisse sentis, diceris invocasse. His veluti cumulus accessit altera episcoporum nefaria consecratio, quorum unum Zakuensi dioecesi, alterum Indis destinasti: per quem eo maius scandalum fidelibus datum est, quo maiori illam apparatu et solemnitate in contemptum huius Apostolicae Sedis factam perspexerunt.

» Haec sunt Ven. Frater, ut alia omittamus, quae te auctore in Malabar et in Mesopotamia evenerunt et eveniunt: quorum pro Nostro munere a te rationem exigere cogimur, qui longe graviolem redditurus es aeterno pastorum Principi. Verum te ista non recogitare, forte etiam contemnerre, timere iubent memoratae tuae litterae ad Nostram Congregationem de Propaganda Fide, quibus innocentiam tuam demonstrare contendis, fidem tuam de pontificio primatu asserens, et argumenta adducens ad praetensa tua iura circa electionem episcoporum, et circa regiones Malabaricas comprobanda.

most grave scandal inflicted and still being inflicted on the faithful by your disobedience to apostolic commands, because of which unbelievers and heretics exult, the weak in faith are doubtful, and the stronger grieve and mourn, not seeing how they can be subject to a patriarch who refuses the obedience due to the Roman Pontiff? Your letters, by which you wished to move the venerable brother bishops of your patriarchate against Our constitutions and commands and to draw them to your party, show sufficiently that you yourself understand and fear these things. The same is confirmed by the insults spread among the people in calumny against the apostolic missionaries and even against Our delegate, Venerable Brother Louis, Archbishop of Damietta. It is confirmed by the care which We have heard you take that the faithful, and especially the clergy, should not associate with the missionaries or make use of their help, counsel, and ministry, even with fear of censures threatened by you against those who approach them. Finally it is confirmed by the envy stirred up against them before the civil power, whose protection you are said to have invoked against the commands and censures of the Apostolic See which you feel you have deserved. As a sort of culmination of these things there came the second wicked consecration of bishops, one of whom you destined for the diocese of Zakho and the other for the Indies. This gave the faithful a greater scandal, because they saw that consecration done with greater display and solemnity in contempt of this Apostolic See. These, venerable brother - to omit other matters - are the things which, with you as author, have occurred and are occurring in Malabar and Mesopotamia. By Our office We are compelled to demand an account of them from you; you will have to render a much graver account to the eternal Prince of pastors. But your aforementioned letters to Our Congregation de Propaganda Fide require Us to think that you do not recall these things, perhaps even despise them, for in those letters you strive to demonstrate your innocence by asserting your faith concerning the pontifical primacy and by adducing arguments to prove your alleged rights concerning the election of bishops

» Frustra autem primatum Romani Pontificis agnoscere te ac revereri in tuis litteris profiteris, nisi de eo ita ex omni parte sentias, sicuti oecumenicum concilium Florentinum definivit, et oecumenicum Vaticanum enucleatius explicavit et confirmavit. Primatum vero iurisdictionis admittere iure divino constitutum, eique patriarchalia, uti ais iura, ecclesiastica ordinatione instituta opponere, quibus Romanus Pontifex pro temporum, locorum causarumque ratione derogare nequeat, catholicum certe non est: et catholico episcopo indigna prorsus est quaelibet iurium seu privilegiorum suorum reservatio, qua intendat eadem ipsa supremæ, plenæ ac legitimæ B. Petri eiusque successorum ordinationi et potestati subducere.

» Iam vero Nos semper existimavimus, catholicam in te fidem in sua integritate vigere, et a totius Ecclesie sensu ac doctrina te numquam dissentire voluisse. Quare cum in litteris adhaesionis tuæ decretis Concilii Vaticani quas dedisti die XXIX Iulii an. MDCCCLXXII. declarabas tibi iura omnia, ut aiebas, et privilegia patriarchalia te velle reservata et conservata, existimare non potuimus, voluisse te limitationem vel conditionem catholice illis professioni a te editae statuere: neutrum enim cum catholica veritate vel unitate componi potuisset. Quoniam vero durior et anceps hæc tua dicendi ratio videbatur, Nos hanc ad sanam doctrinam, quam te profiteri velle affirmabas, perfecte exigendam putavimus, uti deprehendere potuisti in litteris quas occasione suprascriptæ adhaesionis tuæ, die XVI, ad te dedimus; atque ita declarationem Nostram in iis expressam recepisti, ut ex his quæ Nobis rescripsisti plane illi et cumulate acquiescere videreris.

» Post hæc tamen non dubitasti tuam illam professionem apud tuos Episcopos propagare ad prætensa tua iura sustinenda. Ad quos si etiam misisses exemplum memoratæ Nostræ epistolæ, ipsi profecto intellexissent, tuam reservationem Nobis probatam non fuisse, traditamque a Nobis de patriarcharum privilegiis veram catholicam doctrinam ex iisdem Nostris litteris hausissent; et demirati etiam essent benigni-

and the Malabar regions. In vain, however, do you profess in your letters that you acknowledge and revere the primacy of the Roman Pontiff, unless you think about it in every respect as the Ecumenical Council of Florence defined and the Ecumenical Vatican Council explained more fully and confirmed. To admit that the primacy of jurisdiction was established by divine law, and then to set against it the patriarchal rights, as you call them, instituted by ecclesiastical ordering, as if the Roman Pontiff could not derogate from them according to the conditions of times, places, and causes, is certainly not Catholic. And wholly unworthy of a Catholic bishop is any reservation of his rights or privileges by which he intends to withdraw those very things from the supreme, full, and legitimate ordering and power of blessed Peter and his successors. Now We have always thought that the Catholic faith flourished in you in its integrity, and that you never wished to dissent from the mind and doctrine of the whole Church. Therefore, when in your letters of adhesion to the decrees of the Vatican Council, dated 29 July 1872, you declared that you wished all your rights, as you said, and patriarchal privileges to be reserved and preserved, We could not think that you wished to set a limitation or condition upon the Catholic profession you issued; neither would have been reconcilable with Catholic truth or unity. Since, however, this manner of speaking seemed harsher and doubtful, We judged that it should be perfectly measured against the sound doctrine which you affirmed you wished to profess, as you could have perceived in the letters which We sent you on 16 November on the occasion of your aforesaid adhesion; and you received Our declaration expressed there in such a way that, from what you wrote back to Us, you seemed plainly and fully to acquiesce in it. Yet after this you did not hesitate to spread that profession of yours among your bishops in support of your alleged rights. If you had also sent them a copy of Our mentioned letter, they certainly would have understood that your reservation had not been approved by Us, and from that same letter of Ours they would have drawn the true Catholic doctrine concerning the privileges of

tatem erga te Nostram, quod cum Apostolicae Sedis indulgentia et absolutione indigeres ob ea quae a te perperam facta fuerant in illis orientalis Ecclesiae perturbationibus, eam tibi extraordinaria prorsus ratione et maxima verborum lenitate in eadem Nostra epistola impertivimus.

» Dissimulare autem non possumus, magnam Nobis afferri tristitiam et grave scandalum fidelibus, cum ad excusandam tuam inobedientiam Apostolicae Nostrae constitutioni, quae incipit *Cum ecclesiastica*, huius vim et efficaciam infirmare conaris asserendo a te acceptam non fuisse; id vero citra fidei dispendium fieri potuisse eo quod eadem constitutio non dogmaticis sed mere disciplinariis accensenda sit. Quomodo vero admitti potest salva divina Ecclesiae constitutione, vim et efficaciam Apostolicarum Constitutionum ab acceptance Episcoporum vel aliorum quorumcumque pendere; eas vero quae disciplinam, non fidem respiciant, impune reiici posse? Hoc certe non sentiebas tu, Ven. Frater, cum electionis tuae confirmationem postulans promittebas in tuis litteris (1), te Nobis obedientem et subiectum toto vitae tuae tempore futurum, et hanc subiectionem tua agendi ratione comprobabas. Hoc non senserunt qui ante te fuerunt catholici Chaldaeorum patriarchae. Hoc demum non sensit Simon ille Sulaka, quo praedecessore gloriaris. Is enim primatum iurisdictionis Romani Pontificis ita professus est, ut ideo promitteret se « tamquam obedientiae filium ordinationibus, » praeceptis, censuris ac iussionibus Papae Iulii III moderni » et successorum suorum Rom. Pontificum canonice intrantium, et Sedi Apostolicae fideliter et semper obtemperaturum. » Porro hanc fidei professionem in tuis archivis asservari existimamus, cum integre inscripta fuerit in Apostolicis litteris eiusdem Iulii praedecessoris Nostri datis ad eundem Sulakam X Kalendas Martii an. MDLIII quibus eiusdem electio in patriarcham confirmata fuit.

» Quid vero dicendum de excusatione quam petis ex timore malorum, quae tibi tuisque impendere dicis ab civili

(1) Epist. 15 Decembris 1547.

patriarchs. They would also have admired Our kindness toward you, since, although because of the things wrongly done by you in those disturbances of the Eastern Church you needed the indulgence and absolution of the Apostolic See, We imparted it to you in that letter by a wholly extraordinary method and with the greatest gentleness of words. We cannot conceal that great sadness is brought upon Us and grave scandal upon the faithful when, in order to excuse your disobedience to Our apostolic constitution beginning *Cum ecclesiastica*, you try to weaken its force and efficacy by asserting that it had not been accepted by you; and that, without damage to faith, this could be done because that constitution should be counted not among dogmatic matters but merely among disciplinary ones. But how can it be admitted, while preserving the divine constitution of the Church, that the force and efficacy of apostolic constitutions depend upon the acceptance of bishops or of anyone else whatsoever, or that those which concern discipline and not faith can be rejected with impunity? This was certainly not your opinion, venerable brother, when, seeking confirmation of your election, you promised in your letters that you would be obedient and subject to Us for the whole time of your life, and when you proved this subjection by your conduct. This was not the opinion of the Catholic patriarchs of the Chaldeans who preceded you. Finally, this was not the opinion of that Simon Sulaka, in whom as a predecessor you glory; for he so professed the primacy of jurisdiction of the Roman Pontiff that for this reason he promised that, as a son of obedience, he would faithfully and always obey the ordinances, precepts, censures, and commands of Pope Julius III then reigning and of his successors, the Roman Pontiffs canonically entering office, and of the Apostolic See. We believe that this profession of faith is preserved in your archives, since it was written out in full in the apostolic letters of Our predecessor Julius to the same Sulaka on 20 February 1553, by which his election as patriarch was confirmed. What, then, is to be said of the excuse you seek from fear of evils which, you

potestate, si memoratae constitutioni Nostrae obedias, exemplum malorum afferens quae Ven. Fratri Armenio patriarchae, et catholicis eiusdem ritus Ecclesiis contigerunt? En quo deveniunt vel fortissimi Ecclesiae Praesules, cum recedere incipiunt ab hac Sede Bmi. Petri Apostolorum Principis, in cuius soliditate firmatur omnium fortitudo sacerdotum! Obediendum esse saeculi Principibus, iisque tributa solvenda docuerunt sancti Dei Apostoli: et in ecclesia catholica, quae hanc doctrinam constantissime tenuit ac tenet, improbata ac damnata semper fuit rebellio contra legitimas potestates. Non tamen licebit a debita divinis et ecclesiasticis legibus obedientia et fide deficere, si quid eis contrarium civilis potestas quandoque iuberet. Qui enim dixit reddenda esse Caesari quae sunt Caesaris, idem praecepit reddenda esse Deo, quae Dei sunt: et cum de Christi Domini nostri praeceptis servandis ageretur, Apostoli intrepide pronunciarunt coram publicis potestatibus: obedire oportet Deo magis quam hominibus. Si tot sanctissimorum virorum et veterum martyrum exempla, qui asperrima quaeque passi sunt a potestatibus huius saeculi, ne a divinae vel ecclesiasticae legis custodia recederent, mente recolere et recogitare non vacat, circumspice catholicas, Ecclesias, tam quae in Oriente sunt praesertim Armeniam, quam quae in Occidente, potissimum Germanicam et Helveticam; ibi episcopi, clerus, et primores etiam ex laicis, debitam plenamque fidem et subiectionem legitimis potestatibus servant, earum minas non reformidant, cum reddenda sunt Deo quae Dei sunt; neque poenarum metu veritatem aut officium suum produnt, vel ab Apostolica Sede recedunt; sed rapinam bonorum, carceres, exilium libentissime ferunt, scientes optimam se habere repositam gratiam et mercedem in coelis.

» Quo autem praetensa tua iura in Malabariam tuearis, asseris eiusdem regionis fideles eo ipso tibi subiectos esse debere, quod chaldaicum ritum teneant, et quod chaldaeis patriarchis quondam obnoxii fuerint. Nostrum non est historicas quaestiones ingredi, de quibus diversi diversa sentiunt. Etsi autem ita se res haberent, uti ipse dicis, non tamen propo-

say, threaten you and yours from the civil power if you obey Our mentioned constitution, bringing forward as an example the evils that befell Venerable Brother the Armenian patriarch and the Catholic Churches of the same rite? See where even the strongest prelates of the Church come when they begin to withdraw from this See of blessed Peter, prince of the apostles, in whose firmness the strength of all priests is confirmed. The holy apostles of God taught that secular rulers must be obeyed and taxes paid to them; and in the Catholic Church, which has most constantly held and still holds this teaching, rebellion against legitimate powers has always been condemned and rejected.

Nevertheless, it will not be lawful to fall away from due obedience and faith toward divine and ecclesiastical laws if the civil power should at any time command something contrary to them. For He who said that the things of Caesar must be rendered to Caesar also commanded that the things of God be rendered to God; and when the observance of the commands of Christ our Lord was at stake, the apostles fearlessly declared before public authorities: We must obey God rather than men. If you do not have leisure to recall and reconsider in your mind the examples of so many most holy men and ancient martyrs who suffered every harsh thing from the powers of this world rather than withdraw from the keeping of divine or ecclesiastical law, look around at the Catholic Churches, both those in the East, especially the Armenian, and those in the West, especially the German and Swiss. There bishops, clergy, and even leading laymen, while preserving due and full loyalty and subjection to legitimate powers, do not fear their threats when the things of God must be rendered to God; nor do they betray the truth or their duty, nor depart from the Apostolic See, because of fear of penalties, but most willingly bear the plundering of goods, prisons, and exile, knowing that an excellent grace and reward is laid up for them in heaven. To defend your alleged rights over Malabar, you assert that the faithful of that region must be subject to you by the very fact that they keep the Chaldean rite and once were subject to Chaldean patriarchs. It is not Our purpose to enter historical questions, about which different men think

situm assequeris. Ex quo enim alicui episcopo, cuiusvis dignitatis et ordinis ille sit, aliqua regio subdita olim fuerit, non sequitur hanc perpetuo eiusdem sedis episcopo subditam esse debere, ac non posse, legitima auctoritate, et causa interveniente, in alterius episcopi potestatem venire: qua de re plura exempla ab Ecclesiae annalibus, et veterum conciliorum actis suppeditantur. Oecumenicam vero et universalem potestatem in omnes, ubivis terrarum sint, eiusdem ritus fideles, consueverunt sibi arrogare Nestoriani aliique schismatici patriarchae, qui disruptis vinculis queis huic Apostolicae Sedi coniuncti erant, superiorem non agnoscunt. Catholicis autem Praesulibus id numquam concessum aut permissum fuit a legitimis canonibus, neque a pontificiis constitutionibus.

» Praeterea contendisti iurisdictionem in Malabaricas oras tibi fuisse promissam, affirmans id tibi Ven. Fratrem Zachariam Episcopum Maroneae nuper evivis ereptum spondidisse. Atqui is cum multa retulerit quae istic ab eo facta fuerunt, nihil tamen de huiusmodi sponsione ad nostram Congregationem scripsit; neque Nos illius peragenda ullam unquam ei dedimus potestatem. Nec porro apparet valida ulla ratio quae illum potuisset ad eam promissionem faciendam adducere; non enim admittere possumus eum id fecisse, ut adhaesionem tuam Vaticani Concilii constitutionibus haberet, cum Concilii auctoritas hac adhaesione non indigeret, et haec agendi ratio non solum in tuae, sed in eius etiam conscientiae ac honoris labem cessisset.

» Concessionem praeterea Apostolicae Sedis probaturus, litteras protulisti fel. rec. Iulii III praedecessoris Nostri datas IV Kalendas Maii an. MDLIII quibus memorato Sulakae Chaldaei ritus patriarchae sacrum pallium et nonnullae facultates concedebantur. Quarum litterarum arabicam versionem, eamque non satis fidelem, in ecclesiis vulgari iussisti, ut nostris mandatis et constitutionibus decreta opponeres et litteras praedecessorum Nostrorum; quos dicis et potestatem confirmasse patriarcharum chaldaeorum in Indicas regiones, et episcopos eligendi arbitrium iisdem concessisse. Iulius III, ut tu ipse

differently. But even if matters were as you say, you would still not attain your purpose. From the fact that some region was once subject to a bishop, whatever his dignity and rank, it does not follow that it must be perpetually subject to the bishop of the same see, and that, with legitimate authority and cause intervening, it cannot come under the power of another bishop; many examples of this are supplied by the annals of the Church and the acts of ancient councils. Nestorian and other schismatic patriarchs, who have broken the bonds by which they were joined to this Apostolic See and recognize no superior, have been accustomed to arrogate to themselves ecumenical and universal power over all faithful of the same rite wherever on earth they may be. But this was never conceded or permitted to Catholic prelates by legitimate canons or by pontifical constitutions. Moreover, you contended that jurisdiction over the Malabar coasts had been promised to you, asserting that Venerable Brother Zachary, bishop of Maronea, recently taken from this life, had pledged it to you. But although he reported many things he did there, he wrote nothing of such a promise to Our Congregation; nor did We ever give him any power to make it. Nor is there any sound reason apparent which could have led him to make that promise. We cannot admit that he did so in order to obtain your adhesion to the constitutions of the Vatican Council, since the authority of the Council did not need this adhesion, and such a way of acting would have resulted in a stain not only on your conscience and honor but also on his. Further, in order to prove concessions of the Apostolic See, you produced letters of Our predecessor Julius III, of happy memory, dated 28 April 1553, by which the sacred pallium and certain faculties were granted to the mentioned Sulaka, patriarch of the Chaldean rite. You ordered an Arabic version of these letters, and not a sufficiently faithful one, to be published in the churches, so that you might oppose to Our commands and constitutions the decrees and letters of Our predecessors, whom you say both confirmed the power of the Chaldean patriarchs over the Indian regions and granted them

cognoscis, in memoratis litteris patriarchae Sulakae facultatem concessit confirmandi episcoporum et archiepiscoporum ipsi iure suo patriarchali subditorum electiones, rite et recte factas secundum Romanae Ecclesiae ritum et morem, ac eis sic electis episcopis et archiepiscopis, postquam eorum electiones confirmatae fuissent, munus consecrationis impendendi iuxta ritum et morem praedictos, recepto prius ab eis, Romani Pontificis et dicta Romanae Ecclesiae nomine, fidelitatis debitae solito iuramento. Verum animadvertere debes, ut patet cuique eas litteras legenti, nihil ipsum sanxisse aut constituisse, quoad loca ad quae patriarchicum ius illud Sulakae extendi deberet: concessaque potestatis usum expresse interdixisse his in locis, in quibus praesules a Romano Pontifice instituuntur. Quapropter nil tibi suffragantur litterae illae ad protendendam iurisdictionem tuam extra fines quibus in praesentia continetur; et ausibus tuis aperte contradicunt quoad Malabariam, ubi praesules a Romano Pontifice instituuntur, ex quo Christiani illi, eiurata in synodo Diamperitana anno MDXCIX haeresi Nestoriana, catholicae Ecclesiae aggregati sunt. In qua synodo ipsi formaliter sponderunt, et iurarunt, nullum unquam episcopum, archiepiscopum, praelatum, pastorem vel gubernatorem se admissuros, praeter illum qui a sancta Sede Apostolica per Papam et Pontificem Romanum foret immediate constitutus. Quod Clementis VIII ac Pauli V praedecessorum Nostrorum auctoritate sancitum et confirmatum, ad hanc usque diem servandum est.

» Habes, Ven. Frater, in hac monitoria epistola argumentum singularis Nostrae erga te longanimitatis et charitatis; qua urgente curavimus sophismatum, quibus deciperis, inanitatem ostendere, teque ad salubria consilia revocare; sperantes fore ut opitulante Dei gratia vocem Nostram tandem aliquando audiens respicias, teque et ecclesias ritus chaldaici tibi concreditas ab imminente schismatis periculo eripias. Quapropter auctoritate Nostra apostolica, in virtute sanctae obedientiae et sub interminatione divini iudicii, tibi Ven. Frater districte praecipimus, ut Episcopum Eliam Mellus et

discretion in choosing bishops. Julius III, as you yourself know, in those letters granted Patriarch Sulaka the faculty of confirming the elections, duly and rightly made according to the rite and custom of the Roman Church, of bishops and archbishops subject to him by his patriarchal right; and of bestowing consecration upon the bishops and archbishops so elected, after their elections had been confirmed, according to the aforesaid rite and custom, after first receiving from them, in the name of the Roman Pontiff and the said Roman Church, the usual oath of due fidelity. But you must observe, as is clear to anyone reading those letters, that he sanctioned or established nothing concerning the places to which that patriarchal right of Sulaka should extend; and that he expressly forbade the exercise of the power granted in places where prelates are appointed by the Roman Pontiff. Therefore those letters give you no support for extending your jurisdiction beyond the boundaries within which it is now contained; and they openly contradict your attempts concerning Malabar, where prelates are appointed by the Roman Pontiff, ever since those Christians, having abjured the Nestorian heresy in the Synod of Diamper in 1599, were joined to the Catholic Church. In that synod they formally promised and swore that they would never admit any bishop, archbishop, prelate, pastor, or governor except one immediately established by the holy Apostolic See through the Pope and Roman Pontiff. This, sanctioned and confirmed by the authority of Our predecessors Clement VIII and Paul V, must be observed down to this day. You have, venerable brother, in this admonitory letter, a proof of Our singular patience and charity toward you. Urged by that charity, We have taken care to show the emptiness of the sophisms by which you are deceived and to call you back to saving counsels, hoping that with the help of God's grace, at last hearing Our voice, you will come to your senses and rescue yourself and the Churches of the Chaldean rite entrusted to you from the imminent danger of schism. Therefore, by Our apostolic authority, in virtue of holy obedience and under threat of divine judgment, We strictly command you, venerable brother, to recall Bishop Elias Mellus and

alios quoscumque tui ritus presbyteros, monachos vel forte etiam episcopos a Malabaria quamprimum revoces; eamque regionem, in qua nullam tibi inesse potestatem iam declaravimus et rursus declaramus, in pace et catholica tranquillitate legitimo suo Praesuli gubernandam relinquant.

» Praecipimus insuper, et presbyteros Eliam Matthaeum aliosque quos contra Nostram constitutionem nuper episcopali characterе auxisti, revoces a dioecesibus quibus eos femere, sacrilege et inaniter praefecisti: earumque tui patriarchatus dioecesium, quae legitimo carent pastore, regimen et administrationem committas aliis dignis et idoneis tui ritus presbyteris, donec de legitimis et rite electis episcopis iisdem dioecesibus provideatur. Quod Nostrum mandatum si adimplere neglexeris, Nos ipsi pro debito Nostrae Apostolatus officio, illis dioecesibus consulamus.

» Praeterea te admonemus, ut omnino abstineas a censurarum ecclesiasticarum abusu, quas temere et sine iusta causa te frequenter comminatum esse et irrogasse accepimus. Si enim eas, ob causas non iustas et graves adhibeas, facere non poterimus quin fideles indignis poenis subiectos, et ad Nos iam confugientes, auctoritate Nostra, uti alias in eam Nos necessitatem adduxisti, absolvamus. Volumus denique ut omnia quae a supradicta Nostra Congregatione tibi mandata fuerunt, litteris datis die XXVII Augusti elapsi anni, omnino exequaris.

» Confidimus te religiose impleturum quae tibi in Domino praecipimus; et in hunc finem in plenitudinem divinarum gratiarum tibi adprecamur. Quod si peremptoriae huic Nostrae admonitioni, quod absit, parere detrectes, et in contumacia persistas, noveris Nos praedecessorum Nostrorum vestigiis inhaerentes, qui veteres etiam patriarchas, licet potentum patrocinio quandoque suffultos, ecclesiasticis poenis et censuris cum opus fuit coercere non praetermiserunt, et non solum excommunicationis sed etiam depositionis poena multarunt, hanc eandem agendi rationem, dolentissime quidem at necessario tecum esse servaturos; ne ministerium Nostrum

any other priests, monks, or perhaps even bishops of your rite from Malabar as soon as possible, and to leave that region, in which We have already declared and again declare that you have no power, to be governed in peace and Catholic tranquility by its legitimate prelate. We further command that you recall the priests Elias, Matthew, and others whom you recently augmented with the episcopal character against Our constitution, from the dioceses over which you rashly, sacrilegiously, and vainly placed them; and that you commit the government and administration of those dioceses of your patriarchate which lack a legitimate pastor to other worthy and suitable priests of your rite, until provision is made for those dioceses by legitimate and duly elected bishops. If you neglect to fulfill this command of Ours, We Ourselves, according to the duty of Our apostolic office, will provide for those dioceses. Furthermore, We warn you to abstain altogether from the abuse of ecclesiastical censures, which We have heard that you have frequently threatened and imposed rashly and without just cause. If you employ them for causes that are not just and grave, We shall not be able to avoid absolving by Our authority the faithful subjected to unworthy penalties and already fleeing to Us, as you have on other occasions driven Us to that necessity. Finally, We wish you to execute completely all that was commanded to you by the aforesaid Congregation of Ours in its letters dated 27 August of the past year. We trust that you will religiously fulfill what We command you in the Lord, and for this end We pray for you an abundance of divine graces. But if, which God forbid, you refuse to obey this peremptory warning of Ours and persist in contumacy, know that We, following the footsteps of Our predecessors - who did not fail, when necessary, to restrain even ancient patriarchs with ecclesiastical penalties and censures, though they were sometimes supported by the patronage of the powerful, and who punished them not only with excommunication but even with deposition - will be forced, though with deepest sorrow, to follow the same course with you, lest

prodidisse, ac fidei, et saluti tot animarum, quae in gravissimum discrimen adductae sunt, non prospexisse ab aeterno pastorum Principe arguamur.

« Caeterum rogamus te, Ven. Frater, et in Domino Nostro Iesu Christo obsecramus, ut coram Domino tuam pravam agendi rationem, tuae dignitatis gradum, aetatem tuam, et gravissimum tuae aeternae salutis periculum serio recogites: atque implorato humilibus precibus divino lumine, ea tandem consilia capias, quae tuum erga Apostolicam Sedem obsequium, verbis saepe declaratum, facto ipso probent; quaeque eam ruinam avertant, in quam dum iniquis consiliariis aurem praebes, te ipsum, commissumque tibi auctoritate Nostri populum, te praecipitem agere deploramus. Quod ut divina misericordia benigne largiatur, Apostolicam benedictionem tibi Ven. Frater, nec non episcopis, clero, monachis et fidelibus, in communione et obedientia Apostolicae Sedis manentibus amanter in Domino impertimus.

« Datum Romae apud S. Petrum die XV Septembris Anno MDCCCLXXV Pontificatus Nostri anno Tricesimo ».

19. Responsio Nostri hisce litteris diu dilata est; quod quidem primum ex adversa eius valetudine contigisse accepimus, postquam vero convaluit nihil excusare poterat. Interim vero facta eius, quae potissimum spectabamus, eloquentius quam litterae responsum reddebant. Etenim neque ex Malabarensi regione, qui illuc missi fuerant, revocabantur; neque a dioecesibus quae incubuerunt avocati sunt presbyteri episcopali characterem temere insigniti. Quin intrusus Amadiensis aliquot monachos ad ordines promovere praesumpsit, quos paulo post ipsemet Patriarcha sacerdotio initiare non timuit. Porro sacerdotes pravae eius agendi rationi consentire nolentes, minis vel censuris vexati, interdum traducti uti perturbatores populi et Patriarchae rebelles, interdum etiam civilis potestatis praesidio coerciti. Neque dissimulare possumus responsum ab eo datum die septima Februarii huius vertentis anni quorundam Mauxiliensium epistolae. Etenim in eo perspicue declarabat, se neque cessisse, neque unquam

the eternal Prince of pastors accuse Us of having betrayed Our ministry and of not having provided for the faith and salvation of so many souls brought into very grave danger. Moreover, We ask you, venerable brother, and beseech you in our Lord Jesus Christ, to consider seriously before the Lord your perverse manner of acting, the degree of your dignity, your age, and the very grave danger to your eternal salvation. Having implored divine light with humble prayers, at last take those counsels which will prove by deed your obedience toward the Apostolic See, so often declared in words, and which will avert that ruin into which, while you lend an ear to wicked advisers, We lament that you are driving yourself headlong and also the people committed to you by Our authority. That divine mercy may graciously grant this, We lovingly impart in the Lord the apostolic blessing to you, venerable brother, and to the bishops, clergy, monks, and faithful remaining in the communion and obedience of the Apostolic See. Given at Rome, at St. Peter's, on 15 September 1875, in the thirtieth year of Our pontificate.

19. The reply to these letters of Ours was delayed for a long time. At first We learned that this had happened because of his poor health; but after he recovered, nothing could excuse it. Meanwhile his deeds - which We were chiefly watching - gave an answer more eloquent than letters. For those who had been sent into the Malabar region were not recalled; nor were the priests rashly marked with the episcopal character called away from the dioceses on which they had encroached. Indeed, the intruder at Amadiya presumed to promote several monks to orders, and shortly afterward the patriarch himself did not fear to initiate them into the priesthood. Moreover, priests who refused to consent to his perverse way of acting were harassed by threats or censures, sometimes denounced as disturbers of the people and rebels against the patriarch, and sometimes even coerced with the assistance of the civil power. Nor can We pass over the answer he gave on 7 February of this current year to a letter from

cessurum praetensis iuribus suis; idque satis probari suis actibus, ad instar solis, uti aiebat, perspicuis: seque patriarchali munere fungi, sicut sui praedecessores catholici patriarchae functi fuerant, et sicut illos cohaerere in fide et disciplina cum Summo Pontifice: qua super re eos iubebat nullum dubium, nullam suspicionem habere. Claram vero hanc declarationem, clariorem etiam reddiderunt litterae ab iisdem Mauxiliensibus ad Patriarcham datae die XX eiusdem mensis Februarii. Isti enim dum illi gratias agerent sibi que animos et robur per eam declarationem augeri profiterentur, asserebant se idcirco unanimes esse et fore usque ad extremum vitae spiritum cum eodem Patriarcha, in reiicienda Apostolica constitutione, in tuendis eius iuribus, atque continenter expediendis Episcopis in Malabariam.

20. Dum haec passim et palam fierent, mirari fideles, virum hunc suae prorsus dignitatis immemorem totumque mutatum ab illo, qui fidem et obedientiam suam Apostolicae Sedi alias probaverat, adhuc impune abire: Chaldaeos Malabariae invasores hinc argumentum sumere ad tuendum schisma, quod illuc invexerunt, et ad negandam impudentissime veritatem vel iustitiam litterarum Apostolicarum, quibus in Episcopum Mellus eiusque sectatores animadverti iussimus: alios demum eo usque impudentiae devenisse relatum est, ut negarent posse a nobis excommunicari Patriarcham.

21. Eo itaque ventum erat, ut iam non liceret Nobis diutius abstinere a canonicis poenis adversus Patriarcham ferendis, qui semel et iterum monitus obedire detrectaverat, suamque inobedientiam et factis et scriptis palam profiteri non reformidabat. Inter haec autem diu expectatum eius responsum, die XIX Martii huius anni datum, ad Nos delatum est; quo contumaciam eius satis superque confirmari non sine multo animi nostri dolore cognovimus. Quid enim ineptius, vel iniuriosius excogitari potest, quam dubium, unde Patriarcha responsum exorditur, circa nostrarum litterarum authenticitatem, quae ad eum per Nostrum in Mesopotamia Delegatum de more missae fuerant? Totum autem respon-

certain men of Mosul. In it he clearly declared that he had not yielded, and never would yield, his alleged rights; that this was sufficiently proved by his acts, as clear, he said, as the sun; and that he exercised the patriarchal office just as his Catholic patriarchal predecessors had exercised it, and, like them, adhered in faith and discipline to the Supreme Pontiff; on this matter he ordered them to have no doubt and no suspicion. This clear declaration was made still clearer by the letters sent by those same men of Mosul to the patriarch on 20 February. In thanking him and professing that their courage and strength had been increased by that declaration, they asserted that for this reason they were, and would remain until their last breath, unanimous with the same patriarch in rejecting the apostolic constitution, defending his rights, and continually sending bishops to Malabar.

20. While these things were being done everywhere and openly, the faithful marveled that this man, utterly forgetful of his dignity and wholly changed from the one who had once proved his faith and obedience to the Apostolic See, should still go unpunished. The Chaldean invaders of Malabar drew from this an argument for defending the schism they had brought there, and for most shamelessly denying the truth or justice of the apostolic letters by which We ordered action to be taken against Bishop Mellus and his followers. Finally, it was reported that others had reached such a pitch of insolence that they denied that the patriarch could be excommunicated by Us.

21. Things had therefore come to such a point that it was no longer lawful for Us to refrain from imposing canonical penalties upon the patriarch, who, warned once and again, had refused to obey and had not feared to profess his disobedience publicly by deeds and writings. Meanwhile his long-awaited reply, dated 19 March of this year, was brought to Us. In it, not without great sorrow of Our mind, We learned that his contumacy was confirmed more than enough. What, indeed, could be thought more foolish or more injurious than the doubt with which the patriarch began his reply concerning the authenticity of Our letters, which had been sent to him in the usual way through Our delegate in Mesopotamia? The whole reply consists in

sum in eo est, ut suam catholicam fidem, suamque erga Nos obedientiam et semel et iterum, magno verborum apparatu ac lenocinio, profiteatur. Tum iura sua tueri ac vindicare conatur, tam quoad episcoporum electionem, quam circa Malabariam; ea rursus repetendo, quae pluries iisdem de rebus ad Nos scripserat; dissimulatis tamen et omnino neglectis responsionibus quae, ut omnem iustitiam implemus, in monitoriis Nostris litteris ei datae fuerant. His multas addit, eadem semper iterando, querimonias contra Missionarios Apostolicos; in quos non minus calumniose quam inverecunde, chaldaicae perturbationis causam confert. Deinde Nos obsecrare non veretur, ut approbationem Nostram manifestemus ad hoc, ut Episcopi chaldaici, ritus ab eo in Malabariam successive mittantur. Demum affirmat propositum sibi esse, aliquos e suis Episcopis post hyemale tempus convocare, et communicatis cum iisdem Nostris mandatis unanimiter decernere quid facto opus sit; id autem Nobis se quamprimum significaturum.

22. Videte, Ven. Fratres ac dilecti Filii, utrum post ea quae in praecedentibus Nostris litteris diximus, aliquod responsum huic postremae eius epistolae reddere possimus: monet enim divina Sapientia (1), ibi effundendum non esse sermonem, ubi auditus non est. Ipse quidem Patriarcha multa se passum commemorat ob tuendam ac propagandam catholicam fidem; et ideo maiori cum eo usi sumus patientia. Meminerit autem, eum qui etsi totam legem servaverit, offendat autem in uno, factum esse omnium reum (2): neque eum qui inceperit, sed qui perseveraverit usque in finem, hunc salvum fore. Quid de his dicendum quae adversus Missionarios congerit? Exploratum Nobis est, eos suis muneribus religiose fungi: si quid autem ab eis prave fieri contingat, deferatur ad Nos, tota rei serie diligenter et accurate exposita; neque debito deerimus reddendi unicuique ius suum. Vagis autem accusationibus faciles aures accommo-

(1) Eecli. XXXII. 6.

(2) Iacob. II. 10.

this: that, again and again, with great ornament and smoothness of words, he professes his Catholic faith and his obedience toward Us. Then he tries to protect and vindicate his rights both concerning the election of bishops and concerning Malabar, repeating again what he had written to Us many times on the same matters, while concealing and completely neglecting the answers which, so that We might fulfill all justice, had been given to him in Our admonitory letters. To these things he adds many complaints, always repeating the same ones, against the apostolic missionaries, upon whom, no less calumniously than shamelessly, he lays the cause of the Chaldean disturbance. Then he does not fear to beg Us to manifest Our approval that bishops of the Chaldean rite be sent by him successively into Malabar. Finally, he affirms that it is his intention, after winter, to call together some of his bishops, to communicate Our commands to them, and unanimously to decide with them what ought to be done; and that he will make this known to Us as soon as possible.

22. See, venerable brothers and beloved sons, whether after what We said in Our preceding letters We can give any reply to this last letter of his. Divine Wisdom warns that speech should not be poured out where there is no hearing. The patriarch does indeed recall that he has suffered many things for defending and spreading the Catholic faith; for that reason We have used greater patience with him. But let him remember that whoever keeps the whole law yet offends in one point has become guilty of all; and that not he who has begun, but he who perseveres to the end, shall be saved. What is to be said of the accusations he heaps up against the missionaries? It is clear to Us that they perform their duties religiously. If anything wrong should happen to be done by them, let it be brought to Us with the whole sequence of the matter diligently and accurately set forth; We shall not fail in Our duty of rendering to each his right. But ready ears are not to be given to vague accusations, especially since

dandae non sunt, praesertim cum sciamus Missionarios malevolorum obtrectationes et invidiam sustinere, quin et gravissimis iniuriis interdum lacessitos fuisse, ipso Patriarcha nedum connivente ac dissimulante, sed ipsa etiam sua agendi ratione provocante.

23. Quae cum ita sint, manifestum est, Ven. Fratrem Iosephum Patriarcham licet pluries monitum, Nobis et Apostolicae huic Sedi neque satisfecisse neque velle satisfacere. Quid enim iuvat catholicum dogma de Primatu B. Petri eiusque successorum profiteri, catholicae fidei et obedientiae erga Apostolicam Sedem toties declarationes edidisse, cum reipsa verbis opera eius aperte refragentur? Nonne immo eo inexcusabilior fit contumacia, quo magis debitum obedientiae officium agnoscitur? Num praeterea vel ad ea decernenda quae a Nobis mandata sunt Apostolicae Sedis auctoritas non pretenditur, aut sufficit communionem fidei habere cum ea sine obedientiae subiectione quae quidem salva catholica fide, dici non possunt? Nos tamen hactenus cum eodem Patriarcha mitissime egimus, tantaque patientia erga eum usi sumus, quantam a Nobis expectare minime debuisset. Verum et patientia et longanimitas modum habeant necesse est: ne, sicut monet B. Gregorius Magnus (1) predecessor Noster, nimia resolutione lenitatis, ultra quam necesse est vigor districtiois emolliatur. Et ipse Christus Dominus docuit eum qui semel et iterum inutiliter monitus, neque ipsam Ecclesiam audierit, sicut ethnicum et publicanum habendum esse. Quam ob rem Romani Pontifices, potestate divinitus accepta in universos cuiusque ordinis et dignitatis saepe usi sunt ad Catholicae Fidei et unitatis integritatem servandam, et ad rebellium contumaciam confringendam, ipsos etiam Patriarchas excommunicando vel etiam cum opus fuit deponendo, uti plura in Orientali Ecclesiarum annalibus exempla praesto sunt, quae vos ignorare minime potestis.

24. Necesse igitur est, ut Nos licet inviti et moerentes eandem agendi rationem cum praefato Ven. Fratrem Iosepho

(1) Regul. Pastor. part. 3. admon. 17.

We know that the missionaries endure the detractions and envy of ill-disposed men, and indeed have sometimes been assailed by the gravest injuries, with the patriarch not only looking on and concealing the matter, but even provoking it by his own manner of acting.

23. Since these things are so, it is clear that Venerable Brother Joseph the patriarch, although warned many times, has neither satisfied Us and this Apostolic See nor wishes to satisfy Us. What profit is there in professing the Catholic dogma concerning the primacy of blessed Peter and his successors, and in so often issuing declarations of Catholic faith and obedience toward the Apostolic See, when in reality his works openly contradict his words? Is not contumacy made all the more inexcusable the more the duty of obedience is acknowledged? Does the authority of the Apostolic See not extend to decreeing those things which have been commanded by Us? Or is it enough to have communion of faith with that See without the subjection of obedience - things which cannot be said while preserving the Catholic faith? Until now We have acted with the same patriarch most gently and used toward him a patience he should by no means have expected from Us. But patience and long-suffering must have a limit, lest, as Our predecessor blessed Gregory the Great warns, by an excessive relaxation of gentleness the vigor of strictness be softened more than is necessary. Christ the Lord Himself taught that the one who, after one and another useless warning, does not hear the Church herself, must be regarded as a heathen and a publican. Therefore the Roman Pontiffs have often used the power divinely received over all persons of whatever order and dignity to preserve the integrity of the Catholic faith and unity and to break the contumacy of rebels, excommunicating even patriarchs themselves or, when necessary, deposing them, as many examples are at hand in the annals of the Eastern Churches, which you cannot be unaware of.

24. It is necessary, therefore, that We, though unwilling and grieving, follow the same course with the aforesaid Venerable Brother Joseph, lest he further mock this Apostolic

teneamus, ne ulterius Apostolicae huic Sedi populoque christiano illudat blandimentis verborum; ne catholica nobiscum communione se tueri velit, qui contra Nos est, et mandata Patrum transgreditur. Ideo has encyclicas litteras ad vos, Venerabiles Fratres, et ad universos et singulos vestri ritus fideles dandas existimavimus, ut verum rerum statum edocti sciatis, quaecumque a vestro Patriarcha hactenus uti supra gesta sunt et geruntur contraria prorsus esse Nostris et huius Apostolicae Sedis decretis et constitutionibus; eaque omnia a Nobis reiici ac reprobari: proinde vos neque debere, immo ne posse quidem, eidem obedire in his, quae contra Nostras et eiusdem Apostolicae Sedis ordinationes contigerit vel contingat ab eo mandari. Cavete ne decipiarnini falsis narrationibus et calumniosis dictis quae invidiose circumferuntur; perinde ac si de ritualibus vel nationalibus, uti aiunt, quaestionibus tractetur. Agitur enim, Ven. Fratres ac dilecti filii, agitur de obedientia Apostolicae Sedis praestanda vel neganda, agitur de agnoscenda suprema eius potestate in vestris etiam Ecclesiis nedum quoad fidem, verum et quoad disciplinam: quam qui negaverit, haereticus est; qui vero agnoverit, eique obedire contumaciter detrectet, anathemate dignus est. Si quis itaque rerum statum aliter se habere existimans, a recto tramite aberraverit, resipiscere festinet: omnes vero si ea, qua uti debent, erga suum Patriarcham afficiuntur sincera charitate, illum ad bonam frugem revocare conentur sive monitis, sive hortationibus sive assiduis ad Deum fuis precibus, prout unicuique Dominus dederit. Haec omnia ut fiant, adhuc quadraginta dies expectabimus, rogantes et Nos Deum cum gemitibus, ne induretur cor eius, sed audiat nunc demum vocem Nostram, et ad sana consilia convertatur, eaque ratione suam suaeque gentis veram utilitatem, verumque bonum procuret. Quod si elapsis quadraginta diebus, postquam hae litterae in eius manus devenerint, ipse perseveret, quod Deus avertat, in sua contumacia et inobedientia, et cuncta quae a Nobis mandata sunt, opere non impleat, nulla amplius interposita mora ferre cogemur in eum sententiam, vi cuius

See and the Christian people by pleasant words, and lest a man who is against Us and transgresses the commands of the Fathers wish to protect himself by Catholic communion with Us. For this reason We have judged that these encyclical letters should be given to you, venerable brothers, and to each and all the faithful of your rite, so that, taught the true state of affairs, you may know that whatever has been done and is being done by your patriarch, as described above, is altogether contrary to the decrees and constitutions of Ours and of this Apostolic See; that all those things are rejected and condemned by Us; and that therefore you neither ought nor can obey him in those matters which he has commanded or may command contrary to the ordinances of Ours and of the same Apostolic See. Take care not to be deceived by false narratives and calumnious sayings that are carried about with ill will, as though the question concerned ritual or national matters, as they say. The matter at stake, venerable brothers and beloved sons, is whether obedience is to be rendered or denied to the Apostolic See; whether its supreme power is to be acknowledged even in your Churches, not only as to faith but also as to discipline. Whoever denies this is a heretic; whoever acknowledges it and nevertheless stubbornly refuses to obey it is worthy of anathema. Therefore, if anyone, thinking the state of affairs is otherwise, has wandered from the right path, let him hasten to come to his senses. Let all, if they are moved toward their patriarch by the sincere charity they ought to have, strive to call him back to good sense by warnings, exhortations, and assiduous prayers poured out to God, according as the Lord has given to each. In order that all this may be done, We shall still wait forty days, while We too pray to God with groans that his heart not be hardened, but that at last he hear Our voice, turn to sound counsels, and in this way procure the true welfare and true good of himself and his people. But if, after forty days have elapsed from the time these letters come into his hands, he persists - which may God avert - in his contumacy and disobedience, and does not put into effect all that has been commanded by Us, We shall be compelled, without any further delay, to pronounce against him a sentence by force of which he will be entirely torn

a Nostra. hoc est ab Ecclesiae catholicae communionem omnino divelletur, et maioris excommunicationis vinculo innodatus, eo ipso privabitur omni et quavis spirituali iurisdictione erga fideles sui patriarchatus.

25. Tanta vero in eum miseratione et patientia uti non possemus, nisi simul animarum saluti efficaciter hoc eodem tempore consuleremus, iam nunc decernendo quidquid necessarium est ad illarum incolumitatem procurandam, easque eripiendas a gravissimis periculis, in quae ob Patriarchae inobedientiam adductae sunt et quotidie magis adducuntur. Quomodo enim ferre possumus, fideles dioecesium Iezirensis, Amediensis, Zakuensis adhuc pseudopastorum arbitrio commissos, quorum sacrilega consecratio illegittima missio, nulla iurisdictione? Qui toti in eo sunt, ut simplicioribus illudant, incautos decipiant, infirmiores terreant, omnesque a communionis catholicae centro, licet expresse contrarium dictitent, dimovere conentur? Et cum in Patriarchali potestate praesidium et mantiae suae velamen se habere gloriantur, eoque ad illaqueandas conscientias abutantur; nonne debemus hoc eos prae idio omnino privare, et Fideles dioecesium quibus incubuerunt, ab eorum tyrannide eripere? Quapropter de consilio Ven. Fratrum Nostrorum S. R. E. Cardinalium Negotiis orientalis ritus praepositorum, auctoritate Nostra Apostolica Venerabilem Fratrem Iosephum Audu Patriarcham Babyliensem Chaldaeorum suspendimus ab omni et quavis iurisdictione in memoratas dioecses Iezirensis, Amediensem, Zakuensem, et in alias quascumque sui ritus, quae legitimo Pastore iam carent, vel in posterum carere contigerit. Earum vero regimen et administrationem, quoadusque legitimi Episcopi iisdem rite praeficiantur, Nobis et Apostolicae huic Sedi reservamus.

26. Intrusos Episcopos Matthaeum, Cyriacum, atque Eliam, quos temeraria et sacrilega consecratio Episcopali caractere adauxit, et qui nullam omnino habent iurisdictionem, a praedictis dioecesibus statim recedere volumus atque edicimus, eaque omnia adimplere, quae per epistolas memoratae No-

away from Our communion, that is, from the communion of the Catholic Church, and, bound by the bond of major excommunication, will by that very fact be deprived of every spiritual jurisdiction whatsoever over the faithful of his patriarchate.

25. Yet We could not use such compassion and patience toward him unless at the same time, in this same interval, We effectively provided for the salvation of souls by now decreeing whatever is necessary to secure their safety and to rescue them from the very grave dangers into which they have been brought, and are daily being brought more deeply, because of the patriarch's disobedience. How can We tolerate the faithful of the dioceses of Jezira, Amadiya, and Zakho still being committed to the will of pseudo-pastors whose consecration is sacrilegious, whose mission is illegitimate, and whose jurisdiction is none? They are wholly intent on deceiving the simpler, misleading the unwary, terrifying the weaker, and trying to move all away from the center of Catholic communion, although they expressly say the opposite. Since they boast that they have support and a cloak for their malice in patriarchal authority, and abuse it to ensnare consciences, ought We not altogether deprive them of this support and rescue the faithful of the dioceses on which they have encroached from their tyranny? Therefore, by the counsel of Our venerable brothers, the cardinals of the Holy Roman Church in charge of the affairs of the Oriental Rite, by Our apostolic authority We suspend Venerable Brother Joseph Audu, Patriarch of Babylon of the Chaldeans, from any and every jurisdiction in the mentioned dioceses of Jezira, Amadiya, and Zakho, and in any other dioceses whatsoever of his rite that already lack a legitimate pastor or may lack one in the future. We reserve their government and administration to Ourselves and to this Apostolic See until legitimate bishops are duly placed over them.

26. We will and decree that the intruded bishops Matthew, Cyriacus, and Elias, whom rash and sacrilegious consecration has augmented with the episcopal character and who have no jurisdiction at all, immediately depart from the aforesaid dioceses and fulfill all that We commanded them through the letters of

strae Congregationis iisdem praecepimus. Haec omnia nisi infra quadraginta dies, uti supra, supputandos efficiant, et praesertim nisi a supradictis dioecibus recesserint earumque prave usurpatam administrationem omnino et reapse deposuerint, ad maioris excommunicationis sententiam etiam contra ipsos procedemus.

27. Episcopum Thomam Rokos, qui in secunda sacrilega consecratione astitit Patriarchae Iosepho, alterum tenens locum consecrantium Episcoporum, quique licet semel et iterum monitus, contumacem tamen adhuc sese misere exhibet, excommunicationis poena similiter plectemus, nisi et ipse infra quadraginta dierum terminum, uti supra sopputandum, facinus suum et cuncta quae a Patriarcha illegitime et contra Nostras constitutiones et mandata facta sunt, scripto reprobaverit.

28. Regimini autem dioecesium legitimo Pastore carentium Nos ipsi consulimus, earum administrationem committentes idoneis Sacerdotibus eisdem ritus Chaldaici cum opportunis et necessariis facultatibus ad earum regimen obeundum, independenter nedum ab intrusis pseudoepiscopis, quibus nulla potestas est vel esse potest, sed ab ipso etiam Patriarcha, cuius in easdem dioeceses quaevis iurisdictio per praesentes Nostras litteras sublata est.

29. Quoniam vero non ignoramus, ecclesiasticis censuris et poenis temere animadversum fuisse etiam a Patriarcha in sacerdotes, clericos, aliosque forte etiam fideles, eo quod pravis eius consiliis assentiri recusaverint, Nos declaramus, factam iampridem a Nobis fuisse specialem facultatem Ven. Fr. Ludovico Archiepiscopo Damiatensi, Nostro in Mesopotamia Delegato, earumdem censurarum ac poenarum, quas uti latas a legitimo Praesule nemo spernere potest, vi ac iustitia cognoscendi; et ab iisdem eos relevandi, quos iniuste damnatos fuisse in Domino iudicaverit. Hanc vero specialem et extraordinariam potestatem eidem Delegato Apostolico confirmamus, donec ipse Patriarcha Nobis et Apostolicae huic Sedi plene et cumulate non satisfecerit, vel aliter eadem facultas revocata non fuerit.

Our mentioned Congregation. Unless they accomplish all these things within the forty days to be counted as above, and especially unless they leave the aforesaid dioceses and completely and actually lay down their wrongly usurped administration, We shall proceed even against them to a sentence of major excommunication.

27. We shall likewise punish with the penalty of excommunication Bishop Thomas Rokos, who assisted Patriarch Joseph in the second sacrilegious consecration, holding the second place among the consecrating bishops, and who, although warned once and again, still miserably shows himself contumacious, unless he too, within the term of forty days to be counted as above, rejects in writing his crime and all that has been done illegally by the patriarch and against Our constitutions and commands.

28. As for the government of the dioceses lacking a legitimate pastor, We Ourselves shall provide for it, committing their administration to suitable priests of the same Chaldean rite, with opportune and necessary faculties for undertaking their government, independently not only of the intruded pseudo-bishops, to whom no power belongs or can belong, but also of the patriarch himself, from whom any jurisdiction over the same dioceses is removed by these present letters of Ours.

29. Since We are not unaware that ecclesiastical censures and penalties have been rashly inflicted by the patriarch even upon priests, clerics, and perhaps also other faithful, because they refused to assent to his perverse plans, We declare that a special faculty has already been granted by Us to Venerable Brother Louis, Archbishop of Damietta, Our delegate in Mesopotamia, to examine the force and justice of those same censures and penalties - which no one may despise insofar as they were imposed by a legitimate prelate - and to relieve from them those whom he judges in the Lord to have been unjustly condemned. We confirm this special and extraordinary power to the same apostolic delegate until the patriarch himself has fully and abundantly satisfied Us and this Apostolic See, or until the same faculty is otherwise revoked.

30. Dum haec omnia necessario decernentes, gravissimum Apostolatus Nostri munus adimplemus, non dubitamus, Venerabiles Fratres, quin officio vestro tam erga fideles vobis commissos, quam erga Apostolicam Sedem eo diligentius satisfactori sitis, quo difficiliora sunt rerum adiuncta, in quibus versamini. Dolebitis forte et aegre feretis in vestrum Patriarcham iam nunc graviter animadverti, gravius forte animadversum iri. Dolemus et Nos, qui eum semper dileximus, et licet reluctantem et inobedientem a Nostra charitate non repulimus, Vosque testes appellamus, quanta cum eo charitate, patientia, et longanimitatis usi fuerimus. Verum dum idem Patriarcha mandatis ac monitionibus Nostris pervicaciter parere detrectat, aliisque inobedientiae exemplum praebet, Nobis non licet adhuc esse patientibus, et a ferendis in eum promeritis poenis adhuc abstinere. Metuimus enim et contremiscimus damnationem illam, quam Sacerdos Heli accipere meruit, eo quod negligenter filios suos castigasset, quos post primam et secundam monitionem in nequitia perseverantes (1) a templi aditu expellere oportebat. Quo factum est, ut et ipsi filii una die occisi fuerint, et triginta milia de populo interfecti, arca testamenti capta sit, et ipse sacerdos retrocadens fractis cervicibus misere obierit. Interim Vos eadem qua Nos charitate agite cum vestro Patriarcha, satagentes ne hoc poenitentiae spatium quod illi concessimus, vacuum ac irritum elabi patiatur. Instate apud eum, ne hanc longaevae suae aetati et excellentiori dignitati notam inurere velit, ut qui olim ad Fidei catholicae tutelam et incrementum adlaboravit, qui olim Nobis et Apostolicae huic Sedi obediens et devotus fuit, modo ab eadem Apostolica Sede coercendus, et ipsa, quam ab Ea accepit, potestate merito privandus sit. Hoc ipsum pro vestro modulo praestare vos oportet, Sacerdotes et Monachi, et quotquot in sortem Domini vocati estis; unaque simul et verbo et exemplo vestro populum edocere quae recta sunt; ne contingat hunc pravis doctrinis, falsisque sermonibus deceptum a firmis in a petra vel inscium aut in-

(1) Theodoret. Cyren. Lib. 1. Reg. int. 7.

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30. In necessarily decreeing all these things, while We fulfill the most grave duty of Our apostolate, We do not doubt, venerable brothers, that you will satisfy your duty both toward the faithful committed to you and toward the Apostolic See with all the more diligence as the circumstances in which you are placed are more difficult. Perhaps you will grieve and find it hard that your patriarch is now being gravely censured, and may perhaps be censured more gravely. We too grieve, for We have always loved him, and although he resists and is disobedient, We have not driven him away from Our charity. We call you as witnesses to how much charity, patience, and long-suffering We have used with him. But while the same patriarch stubbornly refuses to obey Our commands and warnings and gives others an example of disobedience, it is not lawful for Us to remain patient still or to continue to refrain from imposing upon him the penalties he has deserved. We fear and tremble at that condemnation which Eli the priest deserved because he negligently chastised his sons, whom, after a first and second warning, he ought to have expelled from the entrance of the temple when they persevered in wickedness. For this reason his sons were killed on one day, thirty thousand of the people were slain, the ark of the covenant was captured, and the priest himself, falling backward, died miserably with his neck broken. Meanwhile, act toward your patriarch with the same charity as We do, striving not to allow this space for repentance which We have granted him to pass empty and without effect. Urge him not to wish to brand his advanced age and more excellent dignity with this mark: that he who once labored for the protection and increase of the Catholic faith, who once was obedient and devoted to Us and to this Apostolic See, should now have to be restrained by the same Apostolic See and deservedly deprived of the very power he received from it. You too must do this according to your measure, priests and monks and all who have been called into the Lord's portion; and at the same time teach the people what is right by your word and example, lest, deceived by depraved doctrines and false speeches, they be separated, knowingly or unknowingly, willingly or unwillingly,

vitum seiungi, supra quam Christus Deus Ecclesiam suam aedificavit.

31. Demum Vos, universumque populum Chaldaici Ritus hortamur, ut lumen et potentem gratiae opem Patriarchae vestro aliisque misere errantibus apud Deum aeternumque Pastorum principem Christum Iesum, Beatissimae Dei Genitricis Mariae interventione adhibita, fervidis precibus imploretis; ac in auspiciis caelestis praesidii et in pignus Nostrae dilectionis Apostolicam Benedictionem Vobis, Ven. Fratres ac Dilecti Filii, in communione et obedientia Apostolicae Sedis perseverantibus peramanter impertimus.

Datum Romae apud S. Petrum die prima Septembris ann. MDCCCLXXVI Pontificatus Nostri ann. XXXI.

PIUS PP. IX.



from that most firm rock upon which Christ God built His Church.

31. Finally, We exhort you and the whole people of the Chaldean rite to implore with fervent prayers, through the intercession of the Blessed Mary, Mother of God, light and the powerful help of grace from God and from Jesus Christ, the eternal Prince of pastors, for your patriarch and for others who are miserably in error. And as an omen of heavenly protection and a pledge of Our love, We most lovingly impart the apostolic blessing to you, venerable brothers and beloved sons, who persevere in the communion and obedience of the Apostolic See. Given at Rome, at St. Peter's, on the first day of September 1876, in the thirty-first year of Our pontificate. Pius PP. IX.