



Classificazione Decimale Dewey

270.81 (23.) STORIA DELLA CHIESA. 1789-1900

RAPPORTI TRA PAPA PIO IX E IL PATRIARCA CALDEO GIUSEPPE AUDO

**AUTONOMIA DEL PATRIARCATO,
GIURISDIZIONE SULLA CHIESA MALABARESE
IN INDIA E INFALLIBILITÀ DEL PAPA**

VOLUME III: DAL 1875 AL 1878

A cura di

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ISBN
979-12-218-2502-2

PRIMA EDIZIONE
ROMA 6 MARZO 2026

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INTRODUCTORY PRESENTATION: CONTENT, LANGUAGE AND METHODOLOGY

In the introductory article of the first volume, which dealt with the relationship between Pope Pius IX and the Chaldean Patriarch Joseph Audo from 1848 to 1865, the general historical and ecclesiastical situation of the Chaldean Patriarchate and the Congregation of Propaganda Fide up to the end of the XIX century was presented. In the introduction to the second volume, dedicated to the period between 1866 and 1874, attention was drawn to two important events: the modification of Eastern canonical discipline, which restricted the autonomy of the Eastern Catholic Patriarchates, and the First Vatican Council, which promulgated the dogmas of the universal primacy of the Roman Pontiff and his personal infallibility. Both events had serious repercussions on the relationship between Pope Pius IX and Patriarch Joseph Audo, as well as on the ecclesial life of the Chaldean Church in Mesopotamia and the Malabar Church in India.

The present third volume, which considers the relationship between Pope Pius IX and the Chaldean Patriarch Joseph Audo from 1875 to 1878, is a strict continuation of the first two volumes and therefore the above-mentioned historical introductions are fully applicable to it. In fact, the bitter conflicts between the Pope and the Patriarch, especially regarding the appointment of bishops and Chaldean jurisdiction over the Eastern Christians in India reached their climax during this period. We name the most important new players on the stage during this period, besides Pope Pius IX and Patriarch Joseph Audo.

The Apostolic Delegate Nicolàs Castells, who had been ill for a long time, died on 7 September 1873; Bishop Zaccaria Fanciulli (titular bishop of Maronea), who had been sent to Mosul as coadjutor to support Castells, especially in matters concerning the Chaldean Church, also died on 4 November 1873. Eugène-Louis-Marie Lion OP was then appointed titular archbishop of Tamiathis and apostolic delegate for Mesopotamia, Kurdistan, and Lesser Armenia on 13 March 1874; he continued this diplomatic mission until his death on 8 August 1883.

The Prefect of Propaganda Fide Cardinal Alexander Barnabò, who had always been the Relator for Chaldean affairs, died on 24 February 1874 and was succeeded on 10 March 1874 by Cardinal Alessandro Franchi, who held the office until his transfer as Secretary of State on 5 March 1878. After the death of Cardinal Barnabò, however, Cardinal Monaco La-Valletta, one of the members of Propaganda Fide, was the Relator for Chaldean and Malabar

affairs, who usually presented the reports in the plenary assemblies. After the transfer of Lodovico Jacobini in 1874, Gaetano Aloisi Masella was the secretary of the Congregation of Propaganda Fide for the Affairs of the Eastern Rite from 1874 to 1877. In India, after the death of Bernardo (Bernardine) of St. Theresa (Giuseppe) Baccinelli on 5 September 1868, Leonard Mellano OCD (Leonardo de St. Louis Mellano OCD) was appointed Archbishop Vicar Apostolic of Verapoly (1868-1886).

The very extensive Chaldean *Ponenza* of February 1865, consisting of 638 folios or pages, was published in the first volume. This important *Ponenza*, which provides an insight into the history and ecclesial heritage of the Chaldean and Malabar Churches, also sheds light on the relationship of the Chaldean Patriarch Joseph Audo to Pope Pius IX and the Propaganda Fide, and constitutes a basis for understanding the topics that are also dealt with in other volumes. The second volume contains ten *Ponenze* from the years 1869 to 1874, which are useful for reconstructing the historical, canonical, disciplinary and theological dimensions of the Churches concerned in the second half of the XIX century. In the third volume, eight *Ponenze* from the years 1875 to 1878 are published; they are presented below.

I. *Ponenza caldea*, August 1875 (*Ponenze* 1875, ff. 721-810)

Contrary to the prescription of the apostolic constitution *Cum Ecclesiastica*, which reserved the appointment of bishops to the Pope, on 24 May 1874 Patriarch Audo consecrated two bishops: diocesan priest Elijah (episcopal name Peter) Abolionan (Abbojonan) as bishop of Gezira and monk Kas Matthew (episcopal name Paul) Emnina as bishop of Amadia, assisted by Bishop John Elias Mellus and Eliseus, abbot general of St Hormizd Monastery. The Patriarch also decided, contrary to all the instructions of Pope Pius IX and Propaganda Fide, to send John Elias Mellus, until then bishop of Akra, to Malabar to take care of the Eastern Christians in the vicariate apostolic of Verapoly, which at that time was headed by the Vicar Apostolic Leonard Mellano of St Luis OCD.

Despite all attempts by Pope Pius IX and Propaganda Fide to prevent the mission, Mellus and his companion Father Augustine set off for Malabar on 21 July 1874. When Pope Pius IX knew about this, he immediately sent the apostolic letter *Speculatores super* of 1 August 1874, which was addressed to the Vicar Apostolic Leonard Mellano, the ecclesiastical superiors, the clergy and the people. In this document the Pope stated: "All and every one of the Christians of Malabar should know that Bishop John Elias (Mellus) and his sycophants are coming to those regions against our will and despite our express prohibition, and that we have therefore already suspended them from

order and jurisdiction” (*Ponenza*, August 1874, *Som.* n. XIV). In the same apostolic letter, the vicar apostolic was granted faculty to excommunicate Mellus or any other Chaldean bishop eventually coming to India, if they should refuse to obey and return to Chaldea after due warnings.

On 17 August 1874, the general assembly of the Congregation of Propaganda Fide for the Affairs of the Eastern Rite discussed the problems connected with the ‘illegitimate consecration of bishops by the Chaldean Patrich Msgr. Audo and the expedition of a bishop to Malabar ordered by him’. It was decided that the Prefect of the Congregation would send letters to the Patriarch and to the unlawfully consecrated bishops, warning them against their actions which violate the prescriptions of the Apostolic See. Regarding the Church of Malabar, the assembly decided to obtain precise information on the ecclesiastical situation and to examine in detail the question of Chaldean jurisdiction in Malabar (*Som.* n. XVIII).

In accordance with the aforementioned decision, the Prefect of the Congregation, Cardinal Franchi, wrote to Patriarch Audo on 27 August 1874 and declared:

The Holy Father has equally reprovved and condemned the illegitimate episcopal consecration, which you conferred on two priests Elijah and Matthew, and has declared null and void their election which you claimed to have made; he has declared them deprived, and in their present state, incapable of exercising any jurisdiction, and has rigorously forbidden them to exercise any function of episcopal order under penalty of further censures imposed by the sacred canons. His Holiness, wishing to make a final act of condescension to your Lordship, confines himself for the present to setting you a period of fifteen days from the receipt of this letter, to respond to the said facts, to effectively revoke the expedition you ordered to Malabar, to recall the said priests Elijah and Matthew from the dioceses to which you, purported to send them, and to recognise their election as null and void, and their consecration as illegitimate. If this period elapses in vain, the Holy Father will be compelled, albeit with regret, to proceed even against Your Lordship with all the rigour of the sacred canons (*Som.* n. II).

On the same day, Cardinal Franchi conveyed the Pope's orders to the unlawfully consecrated bishops Elijah and Matthew: “Therefore, His Holiness, having carefully examined everything and having heard the opinion of all the Cardinals who form this Sacred Congregation, has, with his supreme authority, rejected and condemned as unlawful and sacrilegious the episcopal consecration which you have received. He has declared the mission entrusted to you by the Patriarch to govern a diocese null and void, so that your Lordship has no jurisdiction and can have none. If by chance you have already travelled there, he orders you to leave immediately and by virtue of holy obedience,

strictly forbids you also, to perform any episcopal acts and to use the title and episcopal insignia under penalty of irregularity” (*Som. n. III*).

Patriarch Joseph Audo replied to the Prefect of Propaganda Fide on 28 August 1874, recognising the primacy of the Pope in matters of faith and morals and his obedience to the Sovereign Pontiff, but justifying the consecration of two priests as bishops based on the ancient canonical tradition of the Eastern Churches in general and that of the Chaldean Catholic Church. He pointed out the practical impossibility of accepting the provisions of the apostolic constitution *Cum Ecclesiastica* on the appointment of bishops in the particular situation of the Ottoman Empire. He also defended the right to send Chaldean bishops to Malabar in India, since the Chaldean patriarchs had exercised jurisdiction in Malabar from time immemorial, which had been confirmed by various popes since the reunification of Patriarch John Simon Sulaqa in 1553 (*Som. n. V* and *n. VI-A*).

Matthew, one of the illegitimately consecrated bishops, sent no reply to the Prefect, but Elijah Abolonian responded on 15 February 1875, confessing that he knew nothing about the apostolic constitution *Cum Ecclesiastica* and, despite his reluctance, accepted the episcopal consecration only for the good of souls. He also emphasised the painful situation of the faithful in his diocese of Gezira, who lived in the midst of Kurds and had great difficulty leaving the diocese. However, he promised complete submission and obedience (*Som. n. XIV*).

The *Ponenza* of August 1875 consists of the Report presented by the Relator Cardinal Monaco La-Valletta, which ends with 13 doubts, to which the general assembly of 21 August 1875 responded unanimously. Pope Pius IX approved the resolutions of the assembly on 24 August 1875 with some amendments. This is followed by the *Summary* which consists of 33 documents. The important decisions (I, II and XII) of the general assembly are briefly presented below:

I. “[...] Let His Holiness be implored that, if it pleases him, all that has been prescribed by the Apostolic See be made public by a consistorial address, both regarding the election of Chaldean bishops and the reservation of jurisdiction over the Syrians of Malabar, and what was done with reckless audacity by the Chaldean Patriarch in defiance of these prescriptions and directly against the orders of the Apostolic See, especially for the utter destruction of the souls in Malabar [...]. The Patriarch is to be expressly threatened with endless censures, namely suspension and excommunication, and finally deposition, if he persists obstinately in the crimes he has committed; he is to be solemnly warned once more so that he may come to his senses, without any time limit being fixed”.

II. “Priest Elijah is to be warned again by a formal decree of the Sacred Congregation; and by an equally formal decree Monk Matthew is to be subjected to excommunication *latae sententiae*, from which he can only be absolved by the Roman Pontiff, unless he is in danger of death”.

XII. Regarding Malabar the assembly was of the opinion that sufficient provision had already been made with the apostolic letter *Speculatores super* of 11 August 1874. It was therefore sufficient to carry out what the general assembly had decided on 17 August 1874, namely to obtain accurate information about the problems. The assembly added: “and in the meantime, a letter is to be written to the Vicar Apostolic of Verapoly, that he may select a priest of the Suriani rite as vicar for the affairs the faithful of that rite; and that he may never cease, both personally and through ecclesiastical men, to warn the faithful of that rite, lest they expose themselves to excommunication by adhering to Babylonian heresies, and that he may leave no stone unturned to prevent the faithful from schism”.

During the audience on 24 August 1875 Pope Pius IX decided to send a letter to the Chaldean Patriarch Audo, instead of delivering a consistorial public allocution, as proposed by the general assembly. Thus, on 15 September 1875 the apostolic letter *Responsum a te* was sent to the Patriarch (*Ponenza caldea-malabarese*, February 1876, *Som.* n. II), which enshrined all the points indicated above. After describing all anticanonical acts and “crimes” perpetrated by the Patriarch, the Pope ordered:

[...] Therefore, We strictly command you, Venerable Brother, by Our apostolic authority, in virtue of holy obedience and under the command of divine judgement, to recall Bishop Elias Mellus and any other presbyters, monks or perhaps even bishops of your rite from Malabar as soon as possible; you should leave that region, over which We have already declared and declare again that you have no power, to be governed in peace and Catholic tranquillity by its legitimate prelate.

We further command you to recall the presbyters Elijah, Matthew, and others, whom you have recently consecrated bishops contrary to Our constitution from the dioceses over which you have hastily, sacrilegiously, and in vain appointed them, and to entrust the government and administration of the dioceses of your Patriarchate, which have no lawful pastor, to other worthy and suitable presbyters of your rite, until lawful and duly elected bishops are provided for the same dioceses. Should you fail to fulfil Our commandment, We ourselves, in accordance with the obligation of Our apostolate, will take care of these dioceses (*Ibidem*).

John Elias Mellus and his companions reached Trichur (Kerala) on 2 October 1874. In accordance with the papal order, the Vicar Apostolic Leonard Mellano excommunicated him on 25 October 1874, but he remained in Malabar and continued his schismatic work.

II. *Ponenza caldea-malabarese*, February 1876 (*Ponenze* 1876, ff. 115-232)

On 27 January 1875, Emmanuel Asmar, bishop of Zaku, died and the see remained vacant. Patriarch Audo consecrated two more monks from the monastery of St Hormizd, Cyriac (episcopal name George) and Philip (episcopal name Jacob) Uraha, assisted by Bishop Thomas Rokos and pseudo-bishop Mathew. The first was consecrated for the vacant diocese of Zaku and the second for Malabar as an auxiliary to Bishop Mellus. These bishops were also consecrated in accordance with the ancient canonical discipline of the East, but contrary to the prescriptions of the apostolic constitution *Cum Ecclesiastica*. In the meantime there were four “illegally and sacrilegiously consecrated” bishops: Elijah Abolonian, Matthew, Philip and Cyriac.

No sooner had Bishop Philip arrived in Malabar than he was excommunicated by the Vicar Apostolic of Verapoly, Msgr Mellano. According to the order of the Pope and the Propaganda Fide, Bishop Elijah Abolonian repented, relinquished his diocese, renounced his episcopal title and insignia and declared obedience to the Pope (*Additional Folios*, numbers V-VII). This left only two pseudo-bishops: Matthew and Cyriac, who did not even respond to the warning letters from Propaganda Fide.

The general assembly of 22 February 1876 therefore, proposed to Pope Pius IX that the pseudo-bishops Matthew and Cyril be excommunicated and that the Apostolic Delegate Leon be given the faculty to pronounce the excommunication.

In accordance with the above decision Pope Pius IX issued the apostolic letter *Inter ea* on 17 March 1876, in which he granted the Apostolic Delegate Leon the faculty to excommunicate bishops Matthew and Cyriac, if they disobeyed the Pope and did not leave their dioceses within ten days (see apostolic letter *Inter ea* after the Resolutions; also in *Ponenza caldea*, April 1877, *Som.* n. II). Also due to illness the Patriarch had not yet responded to the apostolic letter *Responsum a te* of 17 September 1875 and so it was decided to take action against him after receiving his reply.

The *Ponenza* of February 1876 consists of the Report submitted by the Relator Cardinal Monaco La-Valletta, *Additional Folios* and the Summary. The Cardinal’s Report ends with 9 doubts, to which the general assembly of 21 February 1876 responded unanimously. Pope Pius IX approved the resolutions of the assembly on 22 February 1876.

After the printing of the *Ponenza*, the Congregation received some important communications and reports concerning the Chaldean Patriarch Audo and bishops, which were added after the resolutions and the apostolic

letter *Inter ea* under the title *Additional Folios*. Thus, 11 documents (numbers I-XI) are inserted before the usual *Summary*, which consists of 16 documents.

III. *Ponenza caldea-malabarese*, June 1876 (*Ponenze* 1876, ff. 497-556)

Even after the deadline set in the apostolic letter *Inter ea* had expired, bishops Matthew and Cyriac were not excommunicated for various reasons. It was also considered that the excommunication of these two bishops would have no positive effect if action was not also taken against the Patriarch who had perpetrated anticanonical acts, contrary to the procedure laid down in the apostolic constitution *Cum Ecclesiastica* for the papal appointment of bishops, and by the expedition of Chaldean bishops to Malabar against the orders of the Pope and the Propaganda Fide.

Finally, on 19 March 1876 Patriarch Joseph Audo responded to the apostolic letter *Responsum a te* (Som. n. X). He justified the consecration of bishops contrary to the procedures of *Cum Ecclesiastica* and the expedition of Chaldean bishops to India. He also blamed the Dominican missionaries for the unrest in the Chaldean Catholic Church and for the deterioration in relations between the Holy See and the Patriarchate.

On 20 June 1876 a general assembly of the Congregation of Propaganda Fide for the Affairs of the Eastern Rite was held to discuss the execution of the apostolic letter *Inter ea* and the response of the Chaldean Patriarch Joseph Audo to the Pope's warning. The *Ponenza* on this occasion consists of the Report presented by the Relator Cardinal Monaco La-Valletta and 10 documents. The Cardinal's Report ends with 2 doubts, to which the general assembly of 20 June 1876 responded unanimously with a single answer, and Pope Pius IX approved the assembly's resolutions on the same day. The decision of the meeting, approved by the Pope, reads as follows:

“[...] By an encyclical letter to all bishops and faithful of the Chaldean rite, if it pleases His Holiness, all that has been prescribed by the Apostolic See, both regarding the election of Chaldean bishops and the reservation of jurisdiction over the Malabar Syrians, shall be made public; likewise, all that the Patriarch of the Chaldeans has carried out with reckless audacity in defiance of these prescriptions and directly against the orders of the Apostolic See, especially to the utter ruin of the souls in Malabar, shall also be made public; the arguments with which he attempts to defend himself shall be summarily refuted. Therefore, let patriarchal jurisdiction be suspended over all dioceses which have or could have no legitimate pastor because they have been entrusted by the Patriarch to pseudo-bishops, and let their government and administration be reserved to the Supreme Pontiff until the proper appointment of bishops. Against the Patriarch major excommunication and deposition shall be threatened if he obstinately persists in the offences committed within one month from the day on which this letter comes into his

hands. Likewise, the invading pseudo-bishops are to be threatened with major excommunication if they do not leave the dioceses they have invaded within one month, as described above, and do not completely resign their administration and government. Furthermore, all dioceses in Mesopotamia that do not have a legitimate pastor are to be entrusted to the administration of vicar priests of the Chaldean rite, appointed by the Apostolic Delegate and entrusted with jurisdiction by an apostolic letter. For this purpose, several copies of the letters are to be sent to the same Delegate, which he may use as required, indicating on each letter the name of the person to be appointed, the title of the diocese to be served and the date of the expedition”.

IV. *Ponenza caldea*, August 1876 (*Ponenze* 1876, ff. 639-682)

In accordance with the decision of the general assembly of the Propaganda Fide for the Affairs of the Eastern Rite on 20 June 1876, approved by the Pope on the same day, a complete draft of the encyclical (comprising 31 paragraphs or sections) was prepared. This draft also fully incorporated two apostolic letters of Pope Pius IX that had already been sent to the Patriarch: *Gratias agere* of 16 November 1872 and *Responsum a te* of 15 September 1875 (numbers 13 and 18 respectively). The draft of the encyclical was presented to the general assembly on 28 August 1876, which accepted it with some modifications, corrections, and additions, all of which were also approved by the Pope on the same day. The final text, the encyclical *Quae in Patriarchatu* was promulgated on 1 September 1876.

The *Ponenza caldea* of August 1876 contains only the scheme prepared by the Congregation of Propaganda Fide to be presented to the plenary assembly of 28 August 1876 (only the first 12 numbers and the last number 31 are included in this volume to avoid unnecessary repetition). After the scheme, the final, legally valid encyclical is reproduced in its entirety as an appendix.

The encyclical is a public indictment against the Chaldean Patriarch Joseph Audo, listing all the “hostile and non-canonical acts” perpetrated by the Patriarch against the orders of the Pope and the Propaganda Fide, from his election and confirmation in 1848 until the promulgation of this encyclical in 1876. The following is an outline of the encyclical and its content:

Numbers 1-12: recount the events from the election of Patriarch Joseph Audo in 1848 to his partial adherence to the dogma of infallibility on 29 July 1872. The most important acts of the Patriarch dealt with in this part of the encyclical are the expedition of Bishop Thomas Rokos to Malabar in India, the promulgation of the apostolic constitution *Cum Ecclesiastica* and the Patriarch’s behaviour during the First Vatican Council, in particular his departure from the Council before the signing of the First Dogmatic

Constitution on the Church of Christ *Pastor Aeternus* on 18 July 1870, which contains the dogmas of the Pope's universal primacy and his personal infallibility.

Number 13: reproduces the apostolic letter *Gratias agere* of Pope Pius IX (16 November 1872), which is a response to the Patriarch's letter of 29 July 1872, in which he had partially subscribed to the dogma of infallibility. The Pope expressed his satisfaction at his adherence to the dogma but demanded that he should accept it completely and unconditionally, without any reservation.

Numbers 12-15: describe the events between 1872 and 1875. Although the Patriarch promised to obey the Pope and the Propaganda Fide, he consecrated priests Elijah and Cyril as bishops on 24 May 1874 contrary to the norms of *Cum Ecclesiastica* and sent bishop John Elias Mellus to India against the orders of the Pope.

Numbers 12-15: delineate the events between 1872 and 1875. Although the Patriarch had promised to obey the Pope and Propaganda Fide, on 24 May 1874 he consecrated the priests Elijah and Cyriac as bishops contrary to the norms of *Cum Ecclesiastica* and sent Bishop John Elias Mellus to India against the Pope's orders.

Numbers 15-17: continue to recount the "schismatic acts" of the Patriarch who, despite warnings and admonitions, consecrated two more bishops: Cyriac and Philip, the first being appointed for the vacant diocese of Zaku and the second for Malabar as auxiliary to Bishop Mellus.

Number 18: reproduces the apostolic letter *Responsum a te* of 15 September 1875, in which the Patriarch was warned of major excommunication, describing all his actions against the orders of the Pope and the Congregation of Propaganda Fide concerning the appointment of bishops and the expedition of the Chaldean bishops to Malabar.

Numbers 19-23: after analyzing Patriarch Audo's letter in which he justifies his actions in consecrating the bishops and the expedition of the Chaldean bishops to Malabar, the bishops, priests and faithful of the Chaldean Church are informed of the urgent need to take punitive measures against their disobedient and rebellious Patriarch in order to save souls.

Numbers 24-31: contain the final condemnation of the Patriarch and the recalcitrant bishops as well as the threat of major excommunication against them. The encyclical concludes with a request to all Chaldean Catholics to pray for the Patriarch's conversion in order to prevent his excommunication from the Catholic Church.

Some of the important provisions as well as the last and final threat of major excommunication against the Patriarch and the recalcitrant bishops,