ORIENTALIA CHRISTIANA ANALECTA
152

JONAS THALIATH, T. O. C. D.

THE SYNOD OF DIAMPER



PONT. INSTITUTUM ORIENTALIUM STUDIORUM
PIAZZA SANTA MARIA MAGGIORE, 7
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1958

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Continued on cover page 3

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TO

H. E. EUGENE Card. TISSERANT

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PREFACE

A word about the choice of the subject matter. Our initial idea was to collect directly from the sources information about the pre-Diamperitan church discipline of Malabar. But, afterwards, on finding that it was not a theme which could be adequately worked out within the time at our disposal, and being fortunate to come across, in our search for information concerning the pre-Diamperitan sources of the Malabar church law, many unpublished documents of importance, which permitted the reconsideration of the history and legitimacy of the Synod of Diamper, we made up our mind to write our dissertation on the Synod itself. In 1937, Fr. Gregório Magno Antão of Goa, in a thesis for his doctorate in Canon Law in the Gregorian University (*Synodus Diamperitana*, thesis no. 577/1937) tried to defend the legitimacy of the Synod. It has been published quite recently (1). Fr. Placid of St. Joseph, T.O.C.D., also prepared in 1939 for the S. Congregation for the Oriental Churches, a brief study on the canonical force of the decrees of the Synod of Diamper, in which the validity of the Synod of Diamper was challenged. The author kindly passed on to us a copy of it. In spite of these two works, we were convinced, after having been fortunate to get at many more new documents on the subject, that there was enough scope for reconsidering the matter and covering new ground with regard to the history of the Synod

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(1) ANTÃO GREGÓRIO MAGNO, *De Synodi Diamperitanae Natura atque Decretis*, Goa, 1952. Although the book bears the date 1952, it seems to have been available for the public only in 1954. In this connection we would like to thank the author for having permitted us to consult his thesis (thesis no. 577/1937, Gregorian University) before its publication. We also, gladly acknowledge our indebtedness to him for information about four or five letters in *Fondo Gonfalonieri* (Vatican Archives), in which, among other things, there are some references to the Synod of Diamper. After directly verifying these with the original, we have utilised them for our dissertation. Similarly, it is to him that we owe information about the presence of an Italian manuscript of the acts of the Synod of Diamper in the University Library of Genova. See the Appendix at the end of Antão's book.

and the canonical force of its decrees. It was this hope that finally prompted us to proceed with our subject.

The Synod of Diamper became well known in Europe soon after its celebration in 1599, through the Portuguese account of Gouvea, which was translated into many other European languages. It was a one-sided view that it presented and it was not fair in many things to the local Christians. The harm done was all the more serious, as it was the main document, through which Europe for the first time came to know in some detail about the St. Thomas Christians. Since soon after the Synod the St. Thomas Christians lost their proper jurisdiction and bishops and these were restored to them only in 1896 by the far-sighted Leo XIII, the view contained in Gouvea was left to perpetuate itself. Only after the coming of native bishops, attempts at reconsidering the history, basing it more on the traditions and documents of the locality, began to be made. In this direction pioneer work was done by Frs. Bernard of St. Thomas, T.O.C.D. and Emmanuel Nidiri. They began to contest many of the assertions found in Gouvea and the other historians depending on him. Frs. J. Panjikaran and Placid of St. Joseph, T.O.C.D. gave to this new current of thought more life and publicity. The scholarly contributions of Fr. Schurhammer, S. J., Mgr. Beltrami and Card. Tisserant, all threw into bolder relief the need for reconsidering the history of the St. Thomas Christians. With regard to the Synod of Diamper practical, though not official, recognition of the view challenging its legitimacy was not slow to come. In the editions of the four *Motu Proprios* promulgating in part the Oriental Code with the sources of reference, there is no mention whatever of the Diamper Synod (2). Similarly, in the publication of the acts of the First Plenary Council of India, the Diamper Synod is ignored (3). Nevertheless, we have the satisfaction of having cleared up some aspects of the question which remained still obscure.

A word has to be said about the sources used. We were unfortunate in not having a single source entirely free from Portuguese influence. As some writer has remarked (4), it is to be greatly regretted that there is no contemporary story of

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(2) *Motu Proprio* " *Crebrae allatae* ". Rome, 1949 ; *Motu Proprio* " *Sollicitudinem Nostram* ", Rome, 1950 ; *Motu Proprio* " *Postquam Apostolicis* ", Rome, 1952; *Motu Proprio* « *Cleri sanctitati* » Rome, 1957.

(3) *Acta et Decreta Primi Concilii Plenarii Indiae*, Ranchi, 1951.

(4) G. M. Rae, *The Syrian Church in India*, London, 1902, p. 272.

the Synod of Diamper written by a representative of the St. Thomas Christians. Although we succeeded in discovering a few Malayalam documents, they were nevertheless written under Portuguese or allied inspiration. The main sources for our story were Gouvea's *Jornada* with the acts of the Synod, and the letters of the Jesuit Fathers from Vaipicotta preserved in the Jesuit archives in Rome. The latter have been of inestimable help to us in the building up of our dissertation. Contemporary Franciscan and Dominican letters should have enlightened us on one or other aspect of the question, since these friars too were already well established at that time in Malabar. But unfortunately, as most of their ancient documents had perished in a fire, we did not succeed in getting any document of the period from their archives in Rome. Similarly there was no document dealing with our subject in the Roman archives of the Augustinian Fathers, to whose Order Menezes belonged. We were, however, lucky to have a considerable number of references in the Vatican Archives and Library and, to some extent, also in the National Archives (Tôrre do Tombo) in Lisbon. These were the materials at our disposal, and when we take into account the fact that going only on foreign documents which cannot be considered partial towards the St. Thomas Christians, we were able to arrive at our present reconstruction of the Synod of Diamper, we feel in one way compensated for the lack of local witnesses.

There are two sources we were unable to use for our study. Some of the documents for the period 1580 to 1640 when Portugal was united to Spain might perhaps be found in one or other of the Spanish archives. We were unable to make a search there. Besides, it is very likely that more light on the subject could be shed by unknown documents lying somewhere in Malabar. So far no intensive search for local documents has been made, and for the present we have to rest content without them.

Nothing remains except to thank all who have helped us in the making of this dissertation. In the first place our thanks are due to His Paternity the Very Rev. Fr. Janssens, the General of the Society of Jesus, who kindly gave us permission to look into the Jesuit letters preserved in their private archives. Fr. Schurhammer, S. J., who deserves so well of the Church of Malabar, was always there ready to help us in every way possible. It was he who helped us to search the archives of Lisbon, and first prepared for us a list of some of the Jesuit letters treating about the St. Thomas Christians. Our thanks are due also to Fr. Wicki, S. J., now engaged in editing Jesuit documents con-

cerning India, in *Monumenta Historica Societatis Iesu*, who, with his comprehensive knowledge of the sources and abundance of good-will towards the Church of Malabar, was greatly helpful to us. To these we have to add the name of Fr. Teschitel, S. J., the archivist, to whose kind offices we owe our success in finding out some of the documents of great importance for our thesis. A vote of thanks to our Director, Fr. Wuyts, S. J., whom we had the good fortune to have also as our Rector during the four years stay at *Istituto di S. Giovanni Damasceno* in Rome. With his kind suggestions and remarks, he was always at our side to help us. There are also many others who have extended a helping hand; to all of them our sincere gratitude. The Rectors, present and past, of the Pont. Oriental Institute, Rome, are also gratefully remembered hers, as it is because of their kindness and encouragement this dissertation is seeing light in this form.

As the book is intended for a wider circle of readers, especially in Malabar and India, we have thought it opportune to put the passages from original documents in foot notes, giving only a translation or summary in the body of the dissertation for easier perusal of the book.

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ABBREVIATIONS

ARSI = Archivum Romanum Societatis Iesu.
ASV = Archivio Segreto Vaticano.
BPP = Bullarium Patronatus Portugalliae.
BPPA = Bullarium Patronatus Portugalliae, Appendix.
SBPP = Subsidium ad Bullarium Patronatus Portugalliae.
DTC = Dictionnaire de Théologie Catholique.

Chapter I

HISTORICAL BACKGROUND

With the advent of the Portuguese, the St. Thomas Christian community, till then living in the midst of Hinduism and practically secluded from the rest of Christendom, came in contact with the Western Christian world. They received with joy, at first, the good news that a captain of a mighty emperor of their own religion, with armadas sweeping the oceans, had reached their port with a powerful fleet. How relieved the Christians felt at the arrival of the Portuguese can be imagined from the fact that representatives of the St. Thomas Christians, without any hesitation, presented to Vasco da Gama the sceptre of their own royal family, which had by that time become extinct, as a token of allegiance, requesting him to take them under his king's protection (1). Relations begun so auspiciously should have augured an intimate collaboration between the Franks or *Parunkis*, as the new comers were called in Malabar, and the native Christians. But history took a different turn.

In the beginning the relations between the Portuguese missionaries and the local Christians were very cordial, although a good part of the community lived towards the interior of the country and away from the Portuguese orbit. The missionaries had free access to their churches, to preach and administer the sacraments, and they helped to correct many abuses and errors. There was no suspicion or doubt about the orthodoxy of these Christians or their belonging to the Roman communion. The seeds of dissension were sown when the Portuguese began to insist that their religious practices should be conformed to Latin usages in every respect. The Portuguese considered the difference of rite a hindrance to feeling fully united with the native Christians, and as the St. Thomas Christians showed themselves jealous custodians of their very ancient traditions, the Portuguese began to look on them with suspicion. This suspicion slowly gained ground, as Syriac books, although in many cases they little

(1) J. de Barros, *Da Asia*, t. I, part II, Lisbon, 1777, lib. 6, ch. 6, p. 62-64.

represented the actual belief of the people, began to be scrutinized and some erroneous or dubious doctrines were brought to light and exposed, and their importance and influence magnified. But what really brought the relations to the point of rupture was the fact that the Portuguese tried to cut away all connections of the Church of Malabar with the Patriarch of Babylon, and to bring it under their jurisdiction and patronage. This was one of the main things done in the Synod of Diamper, a moment of the highest tension in the whole period of Portuguese-St. Thomas Christian relations. The story of the Synod, coloured as a victory of the Catholic Church in India, was spread and diffused throughout Europe by the publishing by Gouvea of *Jornada do Arcebispo de Goa* ... together with the acts of the Synod of Diamper (2). The book, which was soon translated into different European languages (3), perpetuated the false idea that the St. Thomas Christians had been living for more than a thousand years out of the Roman communion and that they had been brought to the true fold within the space of a few months by the indefatigable labour of a zealous Portuguese prelate, Alexis de Menezes, Archbishop of Goa. It would have been nearer the truth if the Synod had been described as a step taken with the intention of binding more closely the St. Thomas Christians to the See of Rome. It is undoubtedly to the credit of the Synod that it clearly defined the Catholic doctrine

(2) The full title of the book is : GOUVEA, *Jornada do Arcebispo de Goa Dom Frey Aleixo de Menezes Primas da India Oriental Religioso da Ordem de S. Agostinho. Quando foy as Serras do Malavar, & lugares em que morão os antigos Christãos de S. Thome, & os tirou de muytos erros & heregias em que estavão, & reduzio à nossa Sancta Fé Catholica. & obediencia da Santa Igreja Romana, da qual passava de mil annos que estavão apartados*, Coimbra, 1606. *Jornada* is divided into three books with continuous pagination ; but the numbering of the pages and the division of the chapters are often faulty. After *Jornada* follow the acts of the Synod of Diamper : *Synodo Diocesano da Igreja e bispado de Angamale dos antigos Christãos de Sam Thome das Serras do Malavar das partes da India Oriental*, Coimbra, 1606. This part is with a separate pagination. This section as well as *Missa de que usam os antigos Christãos de S. Thome* ... is edited by Gouvea himself (See *Jornada*, f. 152), although no special mention is made in the title pages. For brevity's sake we shall refer to the first part as GOUVEA, *Jornada*, and the second GOUVEA, *Synodo Diocesano*. Gouvea was not an eyewitness of the Synod of Diamper as supposed by ANTÃO, *De Synodi Diamperitanae Natura atque Decretis*, Goa, 1952, p. 58, n. 42. See *Gouvea*, *Jornada*, f. *4.

(3) See Appendix for information about the various translations.

at a time when this was most needed and that it tried to reform, although with a Latin bias, some abuses that had crept into church discipline. But, in doing so, thinking to strike at the root-cause of all evil, the Synod did away with the rights of the Patriarch of Chaldea in communion with Rome over Malabar, and established the Portuguese patronage instead. We shall not directly touch on the question of the union of the Malabar Church with Rome; nevertheless, it will become evident, we hope, from our story, that the Church of the St. Thomas Christians, with all the errors and abuses that might have been present, was in union with and in obedience to the See of Rome, during the period under consideration. We mainly intend to study the Synod of Diamper from a juridical point of view and to evaluate its force and importance in the formation of the ecclesiastical laws that govern the Syro-Malabar community. As a historical background to such a study, we shall now describe the main sequence of events from the coming of the Portuguese to India up to the Synod of Diamper. We shall be very brief in our narration of the events from 1500 to 1580 and try to describe the happenings from 1580 onwards a little more in detail. But, since a few of the questions will have to be reconsidered at some length in connection with the question of the legitimacy of the Synod of Diamper, we propose to give only a general outline here.

Malabar (4) is the name given to the narrow strip of land between the Western Ghats and the Arabian Sea, stretching

(4) Malabar is a word which seems to be derived from a Malayalam word *mala* (mountain) and an Arabic word (bar or *bār* meaning land). The word seems to have originated with the Arab traders. The name was, however, seldom used locally, at least as far as the southern part of the country is concerned. Another probable derivation is from *Malavāram*, *mala* meaning mountain and *vāram* valley. There are also other names to designate the region, as *Malanādu*, *mala* meaning mountain and *nādu* country or *Malankara*, *mala* meaning mountain and *kara* land. But these are not names in common use. The most ancient name of the place which is the designation given to the newly formed political division, is *Kērala*, *Kēra* meaning coconut palm, and *Kērala* or *Kēralam*, place where the coconut grows. The name *Kērala* can be traced as far back as the edicts of Asoka (257 B. C..) The Portuguese began to call the mountainous region where the St. Thomas Christians mainly lived, *Serra*, and in the Spanish documents we find the corresponding *Sierra*. It is difficult to give an exact northern limit to Kerala or Malabar. Usually Gokarnam or Mount Dilly is given as the northern boundary. Diego Gonçalves in his *Historia do Malavar* (J. Wicki, *Arch. Histor. Soc. Iesu*, vol. XIV, 1945, p. 75-81) in the title says that Malabar extends

from Cape Comorin a few hundred miles northwards. It has been, from very ancient times, the home of the St. Thomas Christians who, in religion and social status, make up a distinct community. At the dawn of the XVI century, when the Portuguese came, the land was governed by different petty kings, most of whom were vassals of the King of Vijayanagar. The most important among them were the Kolathiri (the King of Cannanore), the Zamorin (the King of Calicut), and the Thiruvadi (the King of Travancore). Perhaps we might mention along with these, the King of Cochin also who, because of his constant contact with the Portuguese, is the best known in the Portuguese annals. Besides these, there were other minor rajas, namely those of Kodungalore (Cranganore), Mangat, Idapilli, Kayamkulam, Kollam etc. However, the effective power in the land was in the hands of independent nobles who maintained armies of their own and owed allegiance sometimes even to more than one sovereign (5). The Christians were spread in most of these principalities (6), but everywhere they enjoyed certain privileges as one of the noblest castes in Malabar. At one time, as the records of the XVI century go to show, they had a ruling royal family of their own ; but it had become extinct long before the Portuguese came to India. The King of Cochin, in whose territory lived a good part of the Christians, was considered the protector of the St. Thomas Christians, owing, it is believed, to some convention entered into with their extinct royal family. In society they enjoyed the privileges of the highest castes and were participants in even royal honours (7). As for occupation, they were

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to Bhatkal ; but when he explains the title he extends the region as far as Ullal near Mangalore.

(5) Cfr. K. M. PANIKKAR, *Malabar and the Portuguese*, Bombay, 1929, p. 8.

(6) Menezes in a letter written on Dec. 22, 1599 to Fabio Biondi in Rome says that the St. Thomas Christians were spread through 17 principalities. ASV, *Fondo Gonfalonieri*, vol. 31, f. 396v.

(7) Cfr. GOUVEA, *Jornada*, f. 4 ; M. V. LA CROZE, *Histoire du Christianisme*, t. I, the Hague, 1758, p. 66-67 ; VINCENZO MARIA DI S. CATERINA, *Viaggio alle Indie Orientali*, Venice, 1678, p. 158 ; FRANCISCO DE SOUZA, *Oriente Conquistado*, part II, Bombay, 1886, p. 68 ; etc. Many more references could be adduced. Almost all the writers explicitly say that the St. Thomas Christians enjoyed, socially, a higher status than the Nairs. A. VALIGNANO in his *Historia Del Principio Y Progresso De La Compañia De Jesús En Las Indias Orientales* (1542-64), edited by J. WICKI, Rome, 1944, p. 338 has : " quasi na mesma altura ".

engaged in agriculture, especially in pepper cultivation (which has been from time immemorial almost their monopoly); in commerce and in the art of warfare. It seems that they dedicated themselves little to literary or artistic pursuits.

The St. Thomas Christians were governed by bishops who came from Seleucia. When there was need of bishops, a delegation used to go to Mozul, give costly presents to the Patriarch and bring back monks consecrated as bishops. The government of the Church was practically in the hands of an Archdeacon who paid a certain remuneration to the bishops for their services. Even when there were more than one foreign bishop, there was only one Archdeacon for the entire St. Thomas Christian community, and he was always one of them. It is reported that towards the end of the XV century, there was, for some time, no bishop left in Malabar. However, when the Portuguese came at the dawn of the XVI century, there were five Chaldean bishops in Malabar: Mar John, Mar Thomas, Mar Jabalaha, Mar Denha and Mar Jacob. Of these we know a few particulars of importance only about Mar Jacob. He was a good friend of the Franciscans and had occasion to make acquaintance with St. Francis Xavier who wrote in praise of his admirable virtues to the King of Portugal. All this time the Portuguese missionaries got along amicably with the St. Thomas Christians. The Franciscans had opened a seminary at Kodungalore about 1541 (8) where up to a hundred students — some of them from the best St. Thomas Christian families — were studying for the priesthood (9). The Franciscans had free access to all their churches and were preaching the Catholic doctrine to the contentment of all. But the seminary at Kodungalore did not help the St. Thomas Christians much, since the priests ordained there did not know Syriac, the liturgical language, and for that reason their ministration in the churches was not found acceptable. All the same, there was no question then of either heresy or lack of communion with Rome. Errors and superstitions there were, undoubtedly, bound to arise from the practical segregation of the St. Thomas Christians from the rest of Christendom for centuries, and these were

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(8) British Museum, *Add. MS.* 9853, f. 93v. Cfr. also J. WICKI, *Der einheimische Klerus in Indien (16. Jahrhundert)*, in *Der einheimische Klerus in Geschichte und Gegenwart.* Festschrift KILGER, Schoeneck-Beckenried, 1950, p. 39.

(9) G. SCHURHAMMER - J. WICKI, *Epistolae S. Francisci Xaverii*, t. II (1540-1552), Rome, 1945, p. 14-15.

being slowly corrected. Mar Jacob, who died some time before the actual union of the Chaldean Church with Rome, can be taken as a symbol of the relations of the Malabar Church with Rome in this period. He till his death owed allegiance to his Patriarch at Mozul, but at the same time respected the supreme authority of Rome. He kept up the most cordial relations with foreign missionaries, as members of the same faith and communion, and they helped him in many ways and were instrumental in correcting some abuses. He went so far as to adopt, even against his liking, some Latin usages in the liturgy. This was the position of the Church of Malabar before the final ratification of the union of the Chaldean Church with Rome in 1552 ([10]).

In 1552 John Suid Sulaka, elected Patriarch of the Chaldean Church, went to Rome and made a formal profession of faith before Pope Julius III. On his return he was accompanied by two Maltese Dominicans, deputed by the Pope himself, Bishop Ambrose Buttigeg and Father Antoninus Zahara. Sulaka governed the Church only for a short time, as he soon died a martyr at the instigation of a rival Nestorian Patriarch ([11]). Ebedjesus succeeded him in 1555 and he also went to Rome and was confirmed Patriarch by Pius IV. On returning to Mozul, he sent two bishops, Mar Joseph, the brother of the martyred Patriarch Sulaka, and Mar Elias, together with the two Maltese Dominicans to look after the affairs of the Church of Malabar. The mission arrived in Goa by the end of 1555 ([12]); but they were

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([10]) Cfr. G. SCHURHAMMER, *The Malabar Church and Rome during the early Portuguese period and before*, Trichinopoly, 1934, p. I sq. It is partly a reprint of an article, *Three letters of Mar Jacob, Bishop of Malabar*, 1502-1550, in *Gregorianum*, vol. XIV (1933), p. 63 sq.

([11]) Cfr. G. DE VRIES, *Nel quarto centenario della Chiesa Cattolica caldea*, in *Civiltà Cattolica*, 1952 (II), p. 236-252.

([12]) This we know from a letter of Bishop Buttigeg written from Goa on December 25, 1556, to the King of Portugal, the original of which is preserved in Tôrre do Tombo (Lisbon), *Gavetas*, 15-16-25. It has been quite recently published for the first time by J. WICKI, *Zur Orientreise des päpstl. Nuntius Ambrosius Buttigeg O. P.* (1553-56), in *Orientalia Christiana Periodica*, vol. XIX (1953), p. 351 sq. In the letter the Dominican prelate says : " Et per tanto dubitando io del scandalo et praecipue de la cità, a la qual *per un anno* cum predicatione, cum lectione et altri exercitii litterarii mi sforsai multo in edificatione spirituale di tucta la cità... " (p. 12). In the light of this letter (see the words we have italicized), the date of arrival of the Chaldean mission given as November 1556 by J. BELTRAMI, *La Chiesa Caldea nel secolo dell'Unione*, in *Orientalia Christiana*, vol. XXIX (1933), no. 83, p. 38, has to be abandoned.

stopped at Goa by the Portuguese authorities and prevented from proceeding to Malabar. The two Chaldean bishops were taken to Mozambique ([13]) whence after some time they were shifted to a Franciscan monastery at Bassein in Salsette. Here they were confined for more than a year ([14]). Meanwhile the two Dominicans remained in their monastery at Goa trying by every means to get their own liberation and that of the two detained bishops. Finally in 1557 they were all set free and proceeded to Malabar.

After the death of Mar Jacob, which might have taken place in 1550 or a little later, there seems to have been no bishop for a while in Malabar. However, a little before the arrival of Mar Joseph and Mar Elias, there was working in Malabar one claiming to be a bishop sent by the Pope, but in reality, most probably coming from the rival line of the Nestorian Patriarch. In no place, as far as we could find, is his name given, although he is referred to in many documents of the period ([15]). The Portuguese

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([13]) Bishop Buttigeg says in the letter cited in the previous footnote : " Et perchè la persecutione non è stata solum contra me ma etiam contra mei compagni haveva minato cum mico dui caldei, valentissimi ne la doctrina caldea, como l'anno passato per piò letteri et per piò vii scripsi a Vostra Alteza et li menai cum intentione di apresentargli a Papa, demonstrandoli la gloria di regni Christiani et la grandeza de li cosi de la fede ; edificati et insegnati ne li cosi di nostra fede et cerimonii ecclesiastici : retornassero a lor paesi et confirmassero sua natione a la obedientia de la Chiesa Romana et ne la forma di sacramenti — essendo dumque questi homini qua cum mico non mancaro li officiali di intrari in milli suspitioni. Mi li presero per forsa l'anno passato et li mandaro in Monsambique et in questo anno un altra volta li presero et non so dove li hanno mandato. Cosa veramente fora di ogni humanidade. Io, dato che habia pacientia circa mia persecutione, tamen de la persecutioni di questi homini non so che mi fare : simil homini docti in Caldeo non l'avi tucta la Europa " (*ibid.* p. 17-18). From this it also follows that Codex *Vatic. Syr.*, 45 was written by Mar Joseph at Mozambique during his confinement and not on his way to India as previously supposed by BELTRAMI, *op. cit.*, p. 38, note 6.

([14]) Beltrami observes in this connection : " Ma non soltanto l'integrità della fede animava l'azione religiosa dei Portoghesi in India ; bensì anche un fine del tutto politico : impedire cioè che i popoli della montuosa e inaccessibile regione Malabarica, sfuggendo al controllo dell'Arcivescovo di Goa, potessero eludere l'influenza portoghese in quella regione " *op. cit.*, p. 39. This view is now abundantly corroborated by the above-mentioned letter of Buttigeg's.

([15]) He is mentioned for example, in the letter of Antonio do Porto : Tôrre do Tombo (Lisbon), *Corpo Cronologico*, 1-102-25 (ed. *BPP.* vol. II, p. 300-301 ; BELTRAMI, *op. cit.*, p. 40-43) ; in the relation of Antoninus : J. VOSTÉ, *Missio duorum fratrum Melitensium O. P. ...* in *Analecta Ordinis Praedicatorum*, a. XXXIII (1925), fasc. LV, p. 17sq. ; in a letter of Mel-

tried to oust this intruder from Malabar, first by arguments and then with their police, but to no avail ([16]). Only on the arrival of the Chaldean mission consisting of the two bishops and the two Dominicans, was he persuaded to quit the country ([17]).

One of the bishops of the Chaldean mission, Mar Elias, soon left India. Mar Joseph worked for a few years in Malabar in the company of the Dominicans. Bishop Buttigeg died soon after at Cochin, leaving Antoninus Zahara alone to assist Mar Joseph. They worked together and reformed much in the Church of Malabar. After some time Mar Joseph was accused of heresy and deported to Goa. More or less at the same time Antoninus was also called back to Rome. The charge of heresy against Mar Joseph seems to have been only a very handy means of getting rid of someone who gave embarassment to the Portuguese authorities. For, not only was Mar Joseph finally acquitted, when he was subsequently taken to Lisbon, but we have in his favour a

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chior Carneiro to Dr. De Torres, Jesuit Provincial of Portugal: ARSI, *Goa-Mal.* 8, f. 118-119; in a letter of Fernando da Paz from Kodungalore dated January 10, 1557: TÔRRE DO TOMBO (Lisbon), *Corpo Cronologico*, 1-100-71; in a letter of Mestre Belchior to the General of the Society of Jesus dated January 25, 1559, of which a copy is preserved in Ajuda (Lisbon), *Jesuitas na Asia* 49: IV-50, f. 281.

([16]) FERROLI, S. J., *The Jesuits in Malabar*, vol. I, Bangalore, 1939, p. 154, has erroneously supposed that the Bishop with whom Melchior Carneiro tried to argue was our Mar Joseph and attributes Nestorian heresy to him. He has, however, in fact without identifying the source, quoted in this connection from the letter of Melchior Carneiro to Dr. De Torres, referred to by us in note no. 15. Although no name is mentioned in the letter, that it refers to our Mar Joseph can be ruled out without hesitation. Melchior Carneiro's letter is dated December 24, 1557, and speaks of an event that took place before the monsoon floods (July-August). And we learn from Antonio do Porto's letter dated November 20, 1557, that Mar Joseph and Mar Elias were at Bassein in Salsette at that time. Ferroli further says: "Now Jesuit historians are unanimous in relating how Carneyro met with terrible opposition from Mar Joseph". But it should be remembered that in the documents not very close to the event there is great confusion of names concerning the Chaldean bishops who were in India, and it is to the credit of Mgr. Beltrami, that he has succeeded in identifying them to a very great extent in his work, *La Chiesa Caldea nel Secolo dell'Unione*. Besides, it is very probable that this intruder bishop was himself called Mar Joseph which fact would account for the confusion of persons.

([17]) Cfr. the relation of Antoninus, J. VOSTÉ, *Missio duorum fratrum...*, p. 17.

letter written at this time by the Prior of the Dominican monastery in Goa ([18]), whose hospitality Mar Joseph had accepted before being taken to Lisbon. The Prior, in the letter, speaks of him as a person deserving all honour and approbation. Well, Mar Joseph was taken to Lisbon, which he might have reached at least by the beginning of 1564. As we have said above, he was forthwith acquitted and through the influence of Antoninus Zahara was the recipient of an apostolic brief authorizing him to go back to India and take care of the Christians of St. Thomas. So Mar Joseph did not go to Rome ([19]) as he had first desired, but returned to Malabar with the recommendation of Cardinal Henry who was at that time both Regent and Grand Inquisitor. Mar Joseph might have reached India some time in 1565 ([20]).

([18]) Tôrre do Tombo (Lisbon), *Corpo Cronologico*, 1-106-44. The letter is dated January 2, 1563. It is, as we said, of the Prior of St. Dominic, the Dominican Monastery at Goa, Frey Diego Bermúdez, to the King of Portugal. Among other things, the Prior says that a Chaldean bishop not named, a spiritual man, is coming to Portugal with the good pleasure of the Archbishop [of Goa] and the Bishop of Cochin [!], as they think, that it is necessary he should come to Portugal to return to Malabar later on to take care of the Christians of St. Thomas, where he will achieve great fruit. The Prior adds that he himself had been the first to receive the Chaldean bishop in Goa and had extended hospitality to him whenever he came. He recommends him specially to His Majesty and also an Italian *Padre*, not named [Antoninus Zahara], who accompanies him to Portugal and who has worked much among those Christians, having been sent to them by the Pope.

([19]) Beltrami seems to have taken for granted that Mar Joseph went to Rome for the *ad limina* visit (*op. cit.*, p. 55, 89) ; but the very brief addressed to him by Pius IV, (cited by BELTRAMI, *ibid.*, p. 89), supposes that he did not proceed to Rome. E. TISSERANT in his article *Syro-Malabare* (*l'Eglise*) in *DTC*, col. 3103, in this connection says : " ... mais on ne jugea pas opportun de lui faire la visite *ad limina* : il dut se contenter d'une bénédiction que Pie IV lui envoya par bref du 27 Juin 1564 en lui enjoingant de retourner directement au Malabar, suivant la decision du régent et en l'encourageant à persèvérer dans la foi catholique, dont le patriarche Abdiso deux ans auparavant avait fait solennellement profession ... ". The author further says that this interdiction should be taken in relation with the protest made by the Portuguese Ambassador in the IV session of the Council of Trent on September 17, 1562, against the titles claimed by Ebdjesus over the dioceses of India.

([20]) This we suppose since Mar Joseph must certainly have received in Lisbon, before leaving Portugal, the papal brief of June 27, 1564, authorizing him to proceed to Malabar.

Meanwhile, during the absence of Mar Joseph the St. Thomas Christians petitioned the Patriarch in secret to send them a new bishop and their prayers were heard in the person of Mar Abraham, who arrived in disguise and was received with great jubilation by the Christians ([21]). But the Portuguese police were vigilant and before long succeeded in laying hands on Mar Abraham and he was brought in custody to Goa to be deported to Lisbon. But on the way to Portugal the shrewd Chaldean bishop eluded police vigilance and escaped to Ormuz from where he made his way to Mozul. The Patriarch directed him to go to Rome and represent his case before Pius IV. He must have reached Rome by the beginning of 1565 ([22]). The Pope received him benevolently and gave him letters of recommendation to the Patriarch, the Archbishop of Goa and the Bishop of Cochin. From Rome, Mar Abraham returned to Chaldea where he seems to have remained for over a year ([23]). The Patriarch favoured him with other letters of introduction and sent him to India. Mar Abraham reached Goa by the beginning of 1568 ([24]). But, with all the letters of recommendation of the Pope and the Patriarch that he brought with him, he was not allowed by the Portuguese to proceed to Malabar ([25]). A second time the shrewd

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([21]) Almost all the historians who have written about this period (cfr. BELTRAMI, *op. cit.*, p. 90-91 ; E. TISSERANT, *art. cit.*, col. 3103), have supposed that Mar Joseph had returned to India before Mar Abraham was taken into custody and that therefore, there was confusion in Malabar due to the presence of the two Chaldean bishops whose respective fields of jurisdiction were not clearly determined. Certainly the possibility of the simultaneous presence of the two bishops in Malabar and the resultant confusion were forseen. But it is difficult to take for granted that the two bishops were actually together in Malabar at any time. As we said above, Mar Joseph reached Malabar only by the beginning of 1565, or perhaps a little earlier. But Mar Abraham after his escape to Ormuz and stay in Chaldea had reached Rome by the beginning of 1565, since all the letters of recommendation he received from Pope Pius IV are of February 1565. See GIAMIL, *Genuinae relationes inter Sedem Apostolicam et Assyriorum Orientalium seu Chaldeorum Ecclesiam*, Rome, 1902, p. 71-73.

([22]) This we can suppose from the fact that all the letters of recommendation given by the Pope are of February 1565, as said in the previous note.

([23]) Mar Abraham brought with him to Malabar a letter written by the Patriarch and addressed to the Church of Malabar bearing the date 1566. A translation of it is preserved in ARSI, *Goa-Mal.* 10, f. 463. See note 30, p. 14.

([24]) BELTRAMI, *op. cit.*, p. 96.

([25]) E. TISSERANT, *art. cit.*, col. 3104, apropos of this says : " Mais l'op-

bishop bewildered the Portuguese authorities, escaping from their control and vigilance on the night of Maundy Thursday. He proceeded to Malabar where the St. Thomas Christians received him with joy. Now he was alone in Malabar to rule the St. Thomas Christians, since Mar Joseph, as we shall see presently, had been deported to Rome a little earlier. From now onwards, Mar Abraham was allowed to labour in Malabar, although not without occasional opposition, till his death in 1597.

Before proceeding further with the story of Mar Abraham we have to follow the events leading up to the death of Mar Joseph in Rome. As we have said above, Mar Joseph had reached Malabar in 1565 with letters of recommendation from Pope Pius IV and Cardinal Henry, the Regent of Portugal. But he was not left in peace for long. The Archbishop of Goa did not waste time in informing Rome that Mar Joseph was again teaching heresy in Malabar, and he obtained from Pius V a brief dated January 15, 1567, authorizing him to inquire into the case of Mar Joseph. He was to be sent to Rome with the acts of the process, if found guilty. Some kind of a process seems to have been made at Goa and Mar Joseph was soon taken to Lisbon. The correspondence between the King of Portugal and the Chargé d'Affaires of the Portuguese government in Rome ([26]) shows that Mar Joseph had this time no better luck in Lisbon than in Goa and that he was to be deported in custody to Rome for fear that he might escape to Venice and make his way thence to India. Once Mar Joseph reached Rome, he was again acquitted and set at liberty. But that did not help to sustain the thread of life of the much tried Mar Joseph, a worthy brother of a martyr Patriarch. He died in Rome in the year 1569.

Now to follow Mar Abraham's doings in Malabar after his escape and triumphant reception by the people. Bitter experience had taught him to keep clear of the Portuguese orbit of control. In 1575 he was formally invited by the Archbishop of Goa to be present at the Second Provincial Council of Goa. He refused this invitation and did not go to the council. But now a combination of circumstances brought Mar Abraham and the Malabar Church into very intimate contact with the Jesuits and

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position portugaise ne désarmait pas : lorsque Mar Abraham arriva aux Indes les letters de recommandation dont il était muni ne lui servirent de rien. L'archevêque Georges Temudo, O. P., *cum sapientissimis viris*, les examina et les déclara fausses ou obtenues par subterfuge ".

([26]) BELTRAMI, *op. cit.*, p. 92.

through them with the Latin Church. The Jesuits had then been in Malabar already for over 25 years, but their contacts with the St. Thomas Christians had been so far sporadic and occasional. At this time the eminent Jesuit missionary, Alexander Valignani, was engaged in the official capacity of visitor in inspecting the Jesuit missions in the East. He was then in Malabar. He realised immediately the immense possibilities of missionary effort especially among the higher castes of India [27], with the preparation of the St. Thomas Christians for the task and their full co-operation. He was only looking for an occasion to begin negotiations, and the opportunity presented itself. A certain Mar Simeon from Chaldea, pretending to be a bishop sent by the Pope, had come to Malabar and had set up his camp at Kaduthuruthy. He had the following of a few churches and some priests. Mar Abraham had tried his best to get this rival bishop out of Malabar; but to no avail. This seemed a splendid opportunity for Valignani to make an approach to Mar Abraham, and he was not mistaken. From Mar Abraham the Jesuits obtained permission to establish themselves at Vaipicotta and to go and preach and administer sacraments regularly in the churches of the St. Thomas Christians. The Jesuits in turn promised to help Mar Abraham in the Roman court and to get Mar Simeon out of Malabar. Lending their kind offices, the Jesuits and also the King of Cochin wrote letters to Rome explaining the position of Mar Abraham, and why he had refused to be present at the Second Provincial Council of Goa. Information concerning the intruder Mar Simeon was also sent, and means were sought of dealing with him effectively. Meanwhile, the bishops who were present at the Second Provincial Council of Goa had made recommendations to the Holy See concerning the Church of Malabar and had insisted that the Archbishop of Angamali, Mar Abraham, should be present at the provincial councils of Goa. As a result of all this, the Pope wrote to Mar Abraham asking him, since he had no suffragans and it was difficult for him to go to Chaldea, to attend the provincial councils of India conducted regularly at Goa. The Pope also assured him of fair treatment from the Portuguese authorities, and wrote letters of recommendation to this effect to the King of Portugal and others concerned.

Before proceeding further, we shall cite a passage from a contemporary document to illustrate the situation of the Church

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[27] ARSI, *Goa-Mal.* 7, f. 22.

of Malabar when the Jesuits began to minister among the St. Thomas Christians. The information is given by the Rector of the Jesuit residence at Cochin, Francis Dionysio ([28]) — and that after a few years of intimate knowledge of the beliefs, habits and customs of the people and clergy, as he himself says in the report —, in a letter written in 1578 ([29]). He says : " These Christians commonly believe in all the articles of the Nicean Creed and the equality of the divine persons and the two natures and one person in Christ. The same is held by the Archbishop and the Archdeacon. They regard the Pope as the Vicar of Christ our Redeemer, on earth, and their Patriarch as subject to the Pope from whom his powers are communicated to him ". This is a clear testimony of the orthodoxy of the St. Thomas Christians. This judgement was made, not so much from an analysis of Syriac books preserved in Malabar as from an intimate knowledge of what the people said they actually believed. Only later on, when a meticulous examination of Syriac manuscripts preserved in Malabar began to be conducted, the talk of heresy began to be heard.

As soon as the Jesuit went to work among the St. Thomas Christians, they immediately set about planning a new seminary. The seminary was started in 1577, attached to their residence at Vaipicotta. Soon it became a centre of ecclesiastical learning, to which students flocked from all over Malabar. Even priests were desirous of going to the seminary to profit by the course of moral theology and *casus conscientiae* conducted there. Knowing from experience how ineffective the seminary at Cranganore had turned out to be to minister to the needs of the St. Thomas Christians, care was taken at Vaipicotta to teach Syriac

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([28]) Cfr. A. VALIGNANO, *Historia Del Principio Y Progresso ...* : ed. by J. WICKI, Rome, 1944, p. 436, note 17. Dionysio came to India in 1563, attended the Second Provincial Council of Goa in 1575, was Rector of the Jesuit residence at Cochin from 1576-1578. He then left the Society of Jesus.

([29]) ARSI, *Goa-Mal.* 12, f. 440 : " Communamente estes Christãos confessão todos os artigos do Symbolo Niceno, e igualidade das divinas pessoas e duas naturezas em Christo e huma pessoa, o mesmo tem... o Arcebispo e o Arcediago. Do Papa tem que he vigairo de Christo Nosso Redemptor na terra, que seu Patriarcha he sugeito ao Papa e que delle tem seus poderes communicados ... ". A copy of this letter is preserved in Tôrre do Tombo (Lisbon), *Jesuitas*, Arm. 28, f. 34-38 ; ANTÃO has published the text from this copy in *De Synodi Diamperitanae Natura atque Decretis*, p. 146.

along with Latin, although this policy suffered some reversals later on.

Now we must say a word about the Archdeacon who, as we have said, was the man who practically governed the Church. At this time he was one George of Christ. As contemporary documents go to show, he was an able administrator and a man of character and good sense. Mar Abraham had received, when he was in Chaldea, special permission from the Patriarch to consecrate the Archdeacon bishop. In fact, we have the translation of a letter of 1566 ([30]) written by the Patriarch Ebedjesus to the Church of Malabar, in which it is said that Archdeacon George, a nephew of the former Archdeacon, has been announced in the Patriarchal Council, on the recommendation of Mar Abraham, as Bishop-elect of Palur and suffragan to Mar Abraham. Mar Abraham and Mar Joseph together were to consecrate him, with the assistance of priests. But this decision did not take effect, most probably owing to the absence of Mar Joseph, and things drifted on as before. The question was again revived when Mar Abraham wrote to the Pope in 1577 (?) ([31]) through the good offices of the Jesuit Fathers asking for confirmation of the appointment of the Archdeacon as Bishop of Palur and as his future successor. A papal brief of January 3, 1579 ([32]), provided that the Archdeacon was to be the administrator, should the see of Angamali become vacant by the death of Mar Abraham. Further, by a brief of March 4, 1580 ([33]), he was confirmed by the Pope as the Bishop of Palur. But the Archdeacon, it is said, out of humility, declined this nomination notwithstanding the insistent persuasion of the Jesuit Fathers and the King of Cochin. Again on January 13, 1584 ([34]), Mar Abraham wrote and informed the Pope of his decision to take the Archdeacon as his co-adjutor and successor. Mar Abraham's desire to consecrate the Archdeacon as Bishop of Palur and his successor, seems to have originated partly from his anxiety to secure a successor dependent on the Patriarch (as he had every reason to fear that it would be very difficult for someone else to come from Chaldea, braving the Portuguese blockade, to take possession of the Church of Angamali, after his death), and partly to counteract the influence

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([30]) ARSI, *Goa-Mal.* 10, f. 463.
([31]) ARSI, *Goa-Mal.* 12, f. 357.
([32]) BELTRAMI, *op. cit.*, p. 195.
([33]) *Ibid.*, p. 196-7.
([34]) ARSI, *Goa-Mal.* 13, f. 196-7.

of Mar Simeon, his rival in Malabar. But the Archdeacon was never consecrated bishop. He died some time before 1593 and in his place another was installed as Archdeacon. The new Archdeacon was also called George, sometimes called George of the Cross. There was a rival candidate, another nephew of the deceased Archdeacon, by name Thomas Kurian ([35]) whose claims were, however, waived in favour of George. It is on this new Archdeacon that the heavy and painful duty fell, of guiding the St. Thomas Christian community during the most trying years of their history ([36]).

An event of importance we should take note of, which happened during the first years of Jesuit co-operation, was the Synod of Angamali which took place in 1583. It was conducted under the direction and inspiration of the Jesuit Fathers of Vaipicotta. We know that some 28 decrees were adopted. All our efforts to discover the actual text of the decrees failed. We know only that some errors in the administration of the sacraments were corrected and norms laid down for running the seminary at Vaipicotta more efficiently, etc.

In 1585 there took place the Third Provincial Council of Goa. Mar Abraham was invited, and he attended it as the Holy Father had desired. The third session of the council enacted ten decrees concerning the Church of Malabar. The main ones dealt with the training of the students in the seminary at Vaipicotta, the translation of the pontifical and sacramentary from Latin to Syriac for use in the churches of Malabar, the entrance into Malabar of new Chaldean bishops who were obliged to show their letters patent to the Archbishop of Goa before proceeding to Malabar, and so on. Ros ([37]) a Catalan (Spanish) Jesuit, who

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([35]) Cfr. GOUVEA, *Jornada*, f. 46 ; letter of Mar Abraham of December 17, 1594 : ARSI, *Goa-Mal.* 14, f. 198-9.

([36]) Almost all the authors who have written about this period have confused the Archdeacon at the time of the holding of the Synod of Diamper with the previous one who was elected and confirmed as Bishop of Palur. The death of the former and the succession of the new Archdeacon are alluded to in one of the letters of Abraham de Giorgiis, a Maronite Jesuit : ARSI, *Goa-Mal.* 14, f. 165-7, published by RABBATH, A., *Documents inédits pour servir à l'histoire du Christianisme en Orient*, p. 323-330 and in a letter of Mar Abraham cited above in note 35.

([37]) Many forms of the name are found. He signed himself Ros. In many Portuguese documents we find Roz. Very rarely we meet with also Rox. The form in Ros's own dialect or language (Catalan) we are told is Ros and is pronounced as it is written.

had arrived in India in 1584 ([38]), and who accompanied Mar Abraham to Goa for the council, was commissioned to implement the decisions taken in the council.

Ros, who knew Syriac pretty well and was the professor of that language in the seminary at Vaipicotta, began to expurge the Syriac manuscripts of the doctrinal errors they contained. In the beginning everything seems to have gone smoothly. But slowly, mostly for the fear of losing their ties with the Chaldean Church and of being absorbed in the Latin jurisdiction, the reformatory work of the Jesuit Fathers, which was not rarely carried to extremes, began to be looked upon with suspicion by the Christians. Thus the relations between the Fathers and the Archbishop and the Archdeacon deteriorated. At this time Ros wrote a small treatise about the errors of Nestorianism that he found in the Syriac manuscripts preserved in Malabar. Some of these, however, were in fact, only Oriental differences which implied no error in faith ([39]). Some others were of more dubious character. Anyhow, Ros himself has borne clear testimony of the fact that in spite of what he found in the Syriac manuscripts, the people and the clergy professed the Catholic doctrine ([40]). If things had been left to take their natural course, some of the errors, which had been imperceptibly and ignorantly spread in Malabar, would have lost all ground and disappeared by themselves on a more intimate and active contact with the Church of Rome. But the missionaries, instead of minimizing the importance of many of these errors which had practically no influence on the people or the clergy, exaggerated and magnified them out of all proportion. They are, however, not to be blamed for this. They might have acted in all sincerity and perhaps with the best of intentions, feeling obliged to act as they did. Those

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([38]) A. SANTOS, *Francisco Ros, S. J. Arzobispo de Cranganore, primer Obispo Jesuita de la India* (1557-1624), in *Missionalia Hispanica*, t. V (1948), p. 328-9.

([39]) I. HAUSHERR, *De erroribus Nestorianorum qui in hac India Orientali versantur, auctore P. Francisco Roz S. J. Inédit latin-syriaque de la fin de* 1586 *ou debut de* 1587. *Retrouvé par le P. Castets, S. J., missionaire à Trichinapoly, annoté par le P. Irénée Hausherr, S. J.*, in *Orientalia Christiana*, Rome, t. XI (1928), no. 1. It might be remarked that the introduction written by Castets does not seem to correspond fully either to the text or to the annotations of Hausherr.

([40]) *Ibid.*, p. 15 : " Nestoriani, qui Orientalem Indiam degunt, quamvis Romanam fidem catholicam fuerint professi, ipsorum tamen libri Nestorii, Diodori Tarsensis et Theodori Mopsuesteni, dogmatibus scatent ".

were the days of the Inquisition and it was its spirit that prevailed.

Soon news began to reach Rome that Mar Abraham had decidedly heretical tendencies. Pope Clement VIII issued a brief on January 27, 1595, authorizing the Archbishop of Goa to inquire into the case of Mar Abraham. Some time later, on January 21, 1597, another brief was directed by the same Pope to the Archbishop of Goa, in which he was given faculties to appoint an administrator for the archbishopric of Angamali, in the event of the death of Mar Abraham. We shall have to refer in detail to these briefs in the body of the dissertation.

Here we might introduce the hero of our story, Alexis de Menezes, the Archbishop of Goa, who would eventually convoke the Synod of Diamper. He hailed from one of the noblest families of Portugal, the Menezes. He was a member of the Order of St. Augustine, and before coming to India as Archbishop of Goa had filled the post of Prior of the Augustinian monastery in Lisbon. If we might single out a virtue that was characteristically his, it can be said without any hesitation that it was zeal; and this zeal, though sometimes rather ill-inspired, animated all his actions. He had the boldness to conceive big plans and the pluck and courage to execute them. In doing so, if he did not respect, at times, the natural sentiments of others, or occasionally did not hesitate to employ rather dubious methods, as we shall see later on, we must not forget that those were days of colonialism and the Inquisition. To win lands and people for the Church and the king was the ideal that motivated his career and action. According to the standard of the historians of his country he was a national hero of the first order, though even in that circle dissenting opinion is not entirely wanting (41). In relation to the Church of Malabar, his role has been compared to that of Charles Borromeo with regard to the Church of Milan (42). But those who read the following pages may judge for themselves whether

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(41) MANUEL DE FARIA, *Asia Portuguesa*, t. III, quoted by M. GEDDES, in *The History of the Church of Malabar*, London, 1694, p. 74.

(42) It seems that it was Döllinger who first gave this title to Menezes. We find the following in BELTRAMI, *op. cit.*, p. 122 footnote 80: " E per altro fuor di questione che il De Menezes, all'infuori della tendenza politica dalla quale però non poteva tanto facilmente sottrarsi, fu un'anima di indiscusso valore apostolico, paragonabile — come ha scritto il Döllinger — a quello di Carlo Borromeo. Cfr. v. PASTOR, *Storia dei Papi*, t. XI, p. 498, n. 2 ".

his actions were equally commendable all through. Let us concede that, busy as we are with the juridical aspects of his doings, he does not appear to advantage. Moreover, let us not lose sight of the good he did, all told, for the Church of Malabar. But nevertheless our impression is that historians not in the know of the full story of the Synod, or perhaps not taking sufficiently into account its baneful influence on later events, have had a tendency rather to exaggerate the indebtedness of the Church of Malabar to Menezes. Menezes remained in the office of Archbishop of Goa till 1609, when he was called back to Portugal to fill the post of Archbishop of Braga and Viceroy of Portugal under Philip III. Later he became President of the Council of State of Portugal in Madrid. He died in the year 1617.

As soon as Menezes heard of the death of Mar Abraham which took place in 1597, he hastened to nominate Ros as administrator of the vacant diocese. But the Archdeacon had already taken up the government in accordance with the tradition of the Church of the St. Thomas Christians. So, unwillingly, Menezes had to confirm him in his post. We will have to discuss these happenings later on a little more in detail. Here we will proceed with the story of Menezes' visit to Malabar. He had already conceived the idea of going personally to Malabar and celebrating a synod to set things right, when he received the papal brief referred to above. In a letter written by Menezes to Fabio Biondi, the titular Patriarch of Jerusalem then residing in Rome, he clearly speaks of his intention of going in person to Malabar and conducting the synod; and he refers as well to his civil authority as the second person in the Portuguese state, and how he could play on the self-interest of the local princes who sought Portuguese benevolence, to realize his own programme. In this letter the Archbishop gives briefly the plan which he later on carried out. In order to fulfil better the commission entrusted by the Holy Father, he says, he has not appointed anyone to govern the vacant see ([43]). He proposes to visit all the churches of these Christians, purge them of their heresies and errors, teach them the Catholic doctrine, destroy all heretical works, and in the end convoke a synod of all their priests; and also to make them both promise obedience to the Church of Rome and take an oath to receive the prelate whom the Holy Father will send them. He intends to take with him some learned priests and a few Jesuit Fathers who know the language and customs of the place. He

([43]) We will discuss this point later on. See notes 125-130, ch. III, p. 91-2.

proposes to start in April, and forsees that the stay may last six or seven months (44).

We will briefly describe how this plan was actually executed. Menezes did not start for Malabar in April 1598, as he had first intended. The main reason for his postponing the visit was the news he received from Antony de Noronha, the Captain of Cochin, about the war that was being waged between two princes, in whose territories lived many St. Thomas Christians, whom, therefore, he would not be able to visit (45). So it was only on December 27, 1598, the feast of St. John the Evangelist, that he set sail from Goa. The programme of the Archbishop included besides visiting the St. Thomas Christians, also co-ordination and direction of military operations along the western coast of India, stretching from Goa to Cape Comorin, to secure Portuguese suzeranity in that troubled area. This made his position all the more invincible. We shall not follow the details of his visit from place to place (46). We will be content with narrating one or two

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(44) ASV, *Nunziat. Portugal.*, VI, f. 340-1 (ed : *SBPP*, p. 12-13 ; BELTRAMI, *op. cit.*, p. 121-2). Part of the letter which is of interest to us reads as follows : " Et per remediar a tutti questi mali, et proveder a fatto a tante migliaia d'anime, et far che la S. Madre Chiesa Romana sia obedita per tutto il mondo et sodisfar meglio alli comandamenti di S. Stà., non ho voluto far provisione alcuna di governatore nel vescovato, ma andar io proprio in persona a mettermi fra loro et visitar per me stesso tutte le lor chiese, che stanno sparse per ducento leghe di terra per diversi luoghi d'infideli, ma amici et confederati di questo stato, per poter così con la mia autorità (essendo io la seconda persona di questo stato, et che i re infedeli pretendono haver per amico per loro interessi) andar purgando tutte le chiese d'heresie et di errori che tengono, dando loro la dottrina della fè cattolica, et levargli tutti i libri che tengono heretici, et all fine congregar una sinodo di tutti lor sacerdoti et fargli dar obedienza alla Chiesa Romana con giuramenti di ricever il prelato, che S. Stà. gli darà. Conduco meco persone letterate et dotte et alcuni padri della Compagnia pratichi in questa christianità et in quella lingua. Credo che sarà viaggio di un gran servitio di Dio et della Chiesa Romana, ancorchè di molto travaglio et pericolo per essere sforzato di mettere tempo di sei o sette mesi in questa visita, perchè mi parto di qua d'aprile per esser tempo che cessano i negocii di questo stato con l'entrata dell'inverno et starò là fino a ottobre, aspettando di veder se con le navi vien vescovo per quella chiesa, per farlo introdur con facilità nel suo vescovato ".

(45) GOUVEA, *Jornada*, f. 13v. But this war was continuing, even when the Archbishop finally came to Malabar. *Ibid.*, f. 33.

(46) BERNARD, T. O. C. D., *St. Thomas Christians* (Malayalam), vol. II, Mannanam, 1921, p. 5-8, gives a complete list of the churches of the St.

events of special importance and then proceed to describe how he prepared the ground for the conduct of the Synod.

The first encounter ([47]) of the Archbishop and the Archdeacon was dramatic and charged with high tension. The Archdeacon, partly to create an impression and partly as a measure of self-defence, went up to Cochin for the formal meeting with the Archbishop, accompanied by two St. Thomas Christian *paniquars* (noble men who kept armed men) followed by 3000 warriors, all furnished with swords. Luckily this first meeting ended without any untoward happening.

The Archbishop soon went to Vaipicotta ([48]), where the Jesuit residence was, with the seminary attached. There the Archbishop heard the name of the Patriarch of Babylon being mentioned daily in Holy Mass and irritated at this, in spite of the counsel given by the Jesuit Fathers to the contrary, he issued forthwith a decree of excommunication on all who would dare to name the Patriarch in Holy Mass, who was, he said, a loathsome schismatic and heretic ([49]). This exasperated the Archdeacon and the cathanars ([50]). But the Archbishop was deter-

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Thomas Christians visited by Menezes before and after the Synod, together with a separate enumeration of the churches he did not visit, either mentioned in Gouvea's narration or known to be existent from other sources. According to this list Gouvea gives the name of 77 churches of which 68 were visited by the Archbishop either before or after the Synod. Fr. Bernard adds the names of 28 more bringing the total to 105.

([47]) GOUVEA, *Jornada*, f. 28v.

([48]) *Ibid.*, f. 29.

([49]) We will show later on (see note 138-142, ch. III p. 94-5) that Patriarch Mar Simon, so condemned, was in full union with the Roman Church and legitimately exercised authority in Malabar. It will be sufficient to note here, that the Jesuit Fathers, in whose church the services were conducted, had not taken so far any steps to prevent the use of the Patriarch's name in Holy Mass.

([50]) *Cathanar*, in Portuguese documents often *Caçanar*, is not derived as is sometimes supposed, from an Arabic word (al) *Qessis* or *Qass* of Syriac derivation *Qashisha* ܩܫܝܫܐ. A more probable derivation is from *Kahna* ܟܗܢܐ: British Museum, *Add. MS.* 9853, f. 91 has: "Os sacerdotes destes Xpãos se chamão Caçanares vocabulo Caldeo corrupto de Cahanan, id est sacerdos. Os que não são de missa se chamão Chamaxa, palavra Caldea, que quer diser ministro ou illuminador". *Kattanār* may be more likely a Malayalam word of Sanskrit origin. The Sanskrit root Kr means "to hurt or kill; to do". This may mean "to sacrifice" also. Kartr in Sanskrit means "one who does or performs". From this Kartr or Kartta came the Dravidian or Malayalam form, Kattan, which later on developed into Kattanār

mined to go ahead and was not prepared for any compromise on this issue.

The Archdeacon opposed the Archbishop's authority to intervene in the matters of the Church of the St. Thomas Christians. The Archbishop, however, in a spirit of conciliation promised (51) in return for a pledge to have the proposed diocesan Synod celebrated before Easter, to abstain from acts of jurisdiction over the Church of Malabar, and to be content with the honours and privileges due to a guest-bishop. But, as the time fixed for the Synod lapsed, and as the Archdeacon and others were temporizing, the Archbishop began again to exercise his authority administering sacraments and preaching about Nestorian heresy and obedience to the Pope (52). He slowly gained ground and influence. Menezes was a tireless worker. Once he made up his mind he put himself heart and soul into the project and strained every nerve to realize it. The bringing of an immense population under his sway, especially when he thought of how this would make them accept the Roman authority in the way he wanted and how he could establish the Portuguese patronage over them, was an idea that fired the imagination of Menezes, both as archbishop and statesman. In furtherance of this cause he used every means at his disposal. He would wield political as well as ecclesiastical power, and where one failed, he would invoke and exercise the other until the desired goal was reached.

The preconceived plan of bringing the St. Thomas Christians into subjection could be broadly outlined as follows. Menezes expected resistance from the Archdeacon and the clergy, and the people were naturally expected to side with them. The St. Thomas Christians, besides, were living in the territories of native princes, many of whom might help the Christians against the designs of the Archbishop. Taking this into account, Menezes planned to deprive the Christians of the protection of the native princes to whom he would show power or friendship, as occasion

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with the Dravidian or Malayalam honorific plural suffix ār. In spite of the fact that the headman of *Maplas* (North Malabar Muslims) is sometimes called *Kattanar*, the Arabic derivation seems to us to be the least probable. The wife of the priest was called *Catatiara* and in Portuguese documents sometimes *Cassaneira*. *Chammasa*, was used to designate any cleric who was not a priest. It is evidently from the Syriac ܫܡܫܐ. We find no reason to refer it to the corresponding Arabic word : شماس.

(51) GOUVEA, *Jornada*, f. 35.

(52) *Ibid.*, f. 38v.

suited him. Here, as a fine strategist, he succeeded only too well. The native princes were coaxed, in spite of themselves and often against their own interests, to grant all that the Archbishop wanted of them. The most important of these princes, to reckon with, was the King of Cochin, in whose territory a good many Christians dwelt. The King of Cochin was already invested with the title of ' Brother in arms ' of the King of Portugal. He needed the friendship of the Portuguese because of the commerce that passed through the port of Cochin. The king suspected from the very beginning that the visit of Menezes was designed to take the Christians away from his influence and make of them a strong arm to advance the Portuguese cause in Malabar. At that time the St. Thomas Christian community was in a position to put easily in battle array 30,000 trained warriors ([53]). With this apprehension, the king in the beginning sided with the Archdeacon and stealthily resisted the claims of the Archbishop ([54]); but in the end he gave way and ordered the Christians to obey and pay allegiance to the Archbishop under pain of losing their privileges and incurring grave penalties ([55]). In a similar way, Menezes not only eliminated the opposition, but succeeded even in gaining the support, of the other rulers as well ([56]).

Simultaneously with negotiations to win the favour of the kings, Menezes tried to gain the good-will of the Christians by showing them kindness and magnanimity. He edified them by his self-sacrificing spirit and impressed them with his authority. He visited the poor and the forlorn and gave alms lavishly. Many people were attracted by his kindness and love for the poor. But the Archdeacon and the priests continued to resist his intervention in the affairs of their Church. To break their resistance the Archbishop's next move was to form a party in his favour. He thought out a well designed plan. He found out how attached the people were to priests, and how honoured each family considered itself to have a priest as its member. By ordaining

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([53]) N. PIMENTA, *Nova relatio historica de rebus in India Orientali a Patribus Societatis Jesu, anno* 1598 & 1599 *gestis a R. P. Nicolao Pimenta, Visitatore Societatis Jesu ad R. P. Claudium Aquavivam ejusdem Societatis Praepositum Generalem missa*, Mainz, 1601, p. 156. For the different editions of the same letter cfr. R. STREIT, *Bibliotheca Missionum*, t. V. n. 12, 19-22, 29-36. The original is in ARSI, *Goa-Mal.* 32, f. 705 sq.

([54]) GOUVEA, *Jornada*, f. 39.

([55]) *Ibid.*, f. 50v.

([56]) *Ibid.*, f. 55.

priests, Menezes thought, he could win for himself very many families and get the support of the newly ordained for the furtherance of the affairs of the Synod; for the priests used to show an extraordinary attachment to the bishop who ordained them. Gouvea, Menezes' historian, has described for us the different aspects of this plan. We shall simply quote him on this point. Referring to the first ordination service, he observes: "As he [Menezes] aimed at winning supporters for himself for the more easy realization of his purpose, and since the clerics of these Christians showed great subjection to the one who ordained them ..." ([57]). Again, in a reference to another ordination ceremony, Gouvea says: "As the Archbishop was desirous at this time of winning for himself many people for the affairs of the Synod, in which the priests had the principal votes, he published for the second time a decree through the entire bishopric announcing ordination during the Ember days in Whitsun week in the church of Parur. Fifty candidates for ordination gathered there; he made them make first the profession of faith and then vow obedience to the Pope and the Holy Roman Church. These, together with the others already ordained, made up a good number, whom he had openly with him, with their parents and relatives, as his supporters for the proceedings of the Synod" ([58]). The Archbishop administered ordination three times in the space of four months. The first ordination service took place at Diamper ([59]), where eventually the Synod was conducted. The Archbishop published a decree that those who desired ordination should come to Diamper. This caused the greatest unrest to the Archdeacon, who with all his strength tried to resist such a move, since he knew that it was a manoeuvre to win over many families to the Archbishop's side and cause a split in the community which

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([57]) *Ibid.*, f. 38: "Como desejava de aquirir a sy gente pera alcançar com mais facilidade seu intento & os Ecclesiasticos destes Christãos tem grande sogeyção a quem os ordena ...".

([58]) *Ibid.*, f. 57v: "Como o Arcebispo neste tempo desejava ter muita gente por sy pera as cousas do Synodo, em que os principaes votos avião de ser dos sacerdotes, mandou publicar ordens segunda vez por todo o Bispado, pera as quatro temporas da Trindade na Igreja de Parú, aonde se ajuntarão cincoenta ordenados a que todos primeyro fez fazer a profissão da Fé em suas mãos, & jurar obediencia ao Papa, & a Santa Igreja Romana, que com os que nas outras vezes tinha ordenado fazião hum bom numero, que sabidamente tinha por sy com seus pays, & parentes pera as cousas do Synodo".

([59]) *Ibid.*, f. 38.

was so far solidly behind him. He even got letters from the Kings of Cochin, Angamali and Mangat, asking the Archbishop to desist from such a step. The Archdeacon published an *olla* ([60]) threatening punishment on those who should get themselves ordained and on their families. But in spite of all this, the Archbishop managed to ordain the first batch of 38 priests. The next ordination service soon followed at Kaduthuruthy, the first locality of the St. Thomas Christians that Menezes managed to win over ([61]). We do not know the exact number of those who were ordained this second time; it is only reported that he ordained many who either had not arrived in time on the previous occasion or for fear of the officials had not been able to come to the place where the Archbishop was ([62]). Within a very short while a third ordination service was conducted. It was held at Parur when the celebration of the Synod was in the offing. No less than 50 were ordained this time. Certainly the number of the newly ordained in all should have well surpassed a hundred and it was mainly on this group that the Archbishop relied for the conducting of the Synod. When one considers that only 153 priests participated in the Synod of Diamper of which over a hundred had been newly ordained by the Archbishop himself within the space of four months (and there is every reason to suppose that almost all the new priests assembled at Diamper to show gratitude to the donor of the ordination-gift — they had been ordained mainly with the Synod in view —), one gets an idea of the supposedly representative character of the Synod. One or two observations will throw into still bolder relief these ordination tactics. In the Third Provincial Council of Goa, which took place in 1585, it had been stipulated in the third session, 7th decree, that as the diocese of Angamali had more than enough priests, in future nobody should be ordained without special necessity and without proper provision for decent subsistence ([63]). It is clear, therefore, that the Malabar Church

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([60]) GOUVEA, *Olla* is a palm leaf. Palm leaf was the usual writing material in Malabar. What ANTÃO in *op. cit.*, p. 33, note 34 says, namely, that *olla* originally signified fig leaves is incorrect. (For a description of the materials used and the mode of writing see GOUVEA, *Jornada*, f. 38v). The term *Olla* was used also of documents.

([61]) GOUVEA, *Jornada*, f. 46.

([62]) *Ibid.*, f. 46v: " deu ordens a muytos, que nas passadas não chegarão a tempo, & com as ameaças dos Regedores não poderão vir ter onde elle estava ".

([63]) *BPPA*, t. I, p. 73.

had already been well provided with priests 15 years before the Synod of Diamper. Nor should it be imagined that later on their number began to dwindle. Only for two years had there been no ordination service (64) because of the illness and death of Mar Abraham. The oddest part of this affair was that in the Diamper Synod, where the majority were priests newly ordained by Menezes, it was declared that the diocese not only had sufficient clergy but had a great many more than were necessary ; that as the Council of Trent had prohibited the ordaining of more priests than were necessary for ministration in churches, the Synod commanded that none should be ordained to the priesthood during the present vacancy of the see (65).

In all these matters, Menezes acted, as we propose to demonstrate later on, without adequate faculties. Again here, as elsewhere, we do not ascribe any sinister motives to Menezes. He might have been subjectively convinced that the only way of bringing about the reformation of the Malabar Church and of securing its obedience to the See of Rome was to create a new line of clergy wholly attached to himself, on whom he could always rely.

Winning over, slowly, a good part of the clergy, their families and friends, the Archbishop became more confident of himself and began directly to confront the Archdeacon and his party. He threatened to depose him and raise in his place one Thomas Kurian who had been a rival candidate for the Archdeaconship. This made the Archdeacon's position precarious. The Archdeacon was pressed to subscribe to a ten-point demand of the Archbishop, the ninth of which was a promise of immediate celebration of the proposed Synod (66). The Archdeacon strained every nerve to escape from acceding to these conditions. But finally, mainly owing to the pressure from the King of Cochin, who in order to please the Archbishop threatened him with deprivation of his office, he was forced to submit (67).

We have described only one side of the question. With all this, it remains to be said that Menezes exercised great courage, immense patience and stupendous capacity of organization during his visit. It is reported that more than once both Christians and Hindus plotted to take his life, but on each occasion the Arch-

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(64) GOUVEA, *Jornada*, f. 38.
(65) GOUVEA, *Synodo Diocesano*, f. 40v.
(66) GOUVEA, *Jornada*, f. 53.
(67) *Ibid.*, f. 55v.

bishop behaved with admirable courage and presence of mind ([68]). Running up and down Malabar, especially during the monsoon months with all the inclemency of the tropical weather, was certainly no comfort for a person in the position of Menezes. But what is to be admired most in the Archbishop is his organizing capacity. There was no detail of Christian life which he did not try to organize or reform. He was wedded to an ideal, and, although some of the methods he employed were not above criticism, he was more than anything else motivated by the good he presumed he was doing for the people. And it must also be pointed out that he had not only a way of imposing his will with power and threats, but also a special talent for coaxing even his adversaries into acceding to his plan.

When the ground was ready, Menezes immediately set about preparing for the Synod. Although many desired to have the Synod at Angamali, the centre of the diocese, Menezes decided to waive its claim in preference to Diamper ([69]), where he had meanwhile acquired a good many friends, the first ordination service having been held there. Angamali had not yet been won over to the Archbishop's side, since it was the chief stronghold of the Archdeacon's party. Besides, the memory of Mar Abraham and the places associated with him, would only arouse feelings of bitterness at the changes Menezes intended to introduce, especially vis-à-vis the condemnation of the Patriarch of Babylon and the disavowing of all connection with the Chaldean Church, these being the main scope of the proposed Synod. The *Kaimals* (Chieftains) of Angamali were not yet on fully amicable terms with the Archbishop; while Diamper was within the territory of the King of Cochin, in whom he had finally found an ally, though an unwilling one. Besides, Diamper was within short distance of the Portuguese ports of Cochin and Kodungalore and was accessible, by water, from either of these ports. These were the main reasons for selecting Diamper. Diamper was, besides, at one time the seat of a bishopric ([70]), and the residence of the Christian royal family that had once ruled the St. Thomas Christians ([71]). Anyhow, Menezes, in selecting Diamper as the

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([68]) GOUVEA, *Jornada*, f. 31-33.

([69]) The actual name of the place in Malayalam is Udayamperur. Diamper is a Portuguese abbreviation. Reasons for selecting Diamper are given in *Jornada*, f. 56.

([70]) GOUVEA, *Jornada*, f. 38.

([71]) *Ibid.*, f. 54.

venue of the Synod, in order not to rouse the feelings of others, specially stipulated that no ancient privilege of any church was jeopardized by such preference ([72]).

After having prepared everything, Menezes retired to Kodungalore, a Portuguese fortress, where he completed, it is said, without any body's assistance ([73]), the drafting of the decrees of the Synod, from the notes he had taken concerning the customs and abuses prevalent in Malabar. But certainly the Archbishop owed a great deal to Ros, even if Ros was not present at the final redaction. It was on him that Menezes had mainly to depend for information about conditions in Malabar, since the Archbishop did not know either Malayalam, the spoken language, or Syriac, the liturgical language. Besides, there is considerable similarity in thought and expression between the treatise written by Ros in 1587 *De Erroribus Nestorianorum* ..... and some of the decrees of the Synod of Diamper. The Archbishop is said to have been busy day and night continually composing and dictating the decrees to his two secretaries ([74]). Once the drafting was over, a few Malayalee priests of the Latin rite, attached to the diocese of Cochin, were called in to translate the decrees into Malayalam, to be read out before the assembled Synod. Ros was appointed to supervise this translation ([75]).

When everything was ready, on June 9 1599 ([76]), Menezes went to Diamper to be there a little earlier than the commencement of the Synod. With him, besides his confessor, Bras de S. Maria, were his theologians headed by Belchior Braz, and four Jesuits of Vaipicotta ([77]), namely Ros, Stephen de Britto, Antony Toscano and John Campori. Of the invited, besides the people of Diamper, and those who voluntarily came, and the deacons and subdeacons, and those in minor orders, there were 153 priests and 660 representatives of the people making in all 813 ([78]). The ancient custom of the Malabar Church per-

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([72]) GOUVEA, *Synodo Diocesano*, f. 3v.

([73]) GOUVEA, *Jornada*, f. 57.

([74]) *Ibid.*

([75]) *Ibid.*, f. 58.

([76]) *Ibid.*

([77]) Gouvea says that there were six Jesuits attending the Synod. *Ibid.*; but we have put the number at four on Albert Laerzio's authority. See ARSI, *Goa-Mal.* 62, f. 2v. and also BELTRAMI, *La Chiesa Caldea nel secolo dell'Unione*, p. 259. For the relation between the document referred to here and Albert Laerzio, see Appendix § 4.

([78]) GOUVEA, *Jornada*, f. 66, has: " que foy o numero dos que jurarão

mitted laymen also to participate in synods. As stated in the circular letter convoking the Synod of Diamper, four conscientious men of experience were to be elected from each bazaar ([79]), and where there were no bazaars, by the people in assembly in their churches ([80]). These men were to attend the Synod in their name, to make proposals for the temporal or spiritual good of the people and to accept the decisions made therein ([81]).Among the 660 who came, there were, besides the elected representatives of the people, some who were invited for their special position.

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chamados a Synodo, afora o povo de Diamper, e os mais que quiserão voluntariamente vir & afora os diaconos, subdiaconos & de ordens menores, oytocentos & treze, convem a saber cento e cincoenta e tres cassanares, seiscentos e setenta e hum eleytos, & procuradores dos povos ". This is a mistake : 671 + 153 = 824 and not 813. The procurators were only 660. GOUVEA, *Synodo Diocesano* f. 58 has : " ... foi o numero dos que vierão ao synodo oito centos & treze, sl. caçanares & sacerdotes cento & cincoenta & tres, afora diaconos, subdiaconos & mais chamazes : eleitos & procuradores dos povos com outros principaes que com elles vierão seiscentos & sesenta afora o povo todo do lugar de Diamper ". Following the erroneous number of laymen given by Gouvea in the beginning, C. de Clercq observes that there were 671 laymen in the beginning of the Synod of whom only 660 were present at the end to sign the decrees (*Histoire des Conciles*, t. XI, *Conciles des Orientaux Catholiques*, Paris, 1949, p. 41). The three Malayalam documents of the acts of the Synod give the number of priests as 163. This might perhaps be an error. We have preferred the number given in the Portuguese text as this can be further verified from the number of laymen indicated there. The number of laymen attending the Synod is not separately given in the Malayalam documents ; but the total number of those present is noted as 813. See note 28, Appendix p. 187,

([79]) Bazaar is the equivalent of *angādi* in Malayalam. *Angādi* means market. Usually people lived in greater numbers on either side of the streets leading in four directions from a church. Naturally these were centres of business transactions. The northern street with the adjoining houses constituted the Northern *Angādi* ; the southern street the Southern *Angādi* etc. In some of the St. Thomas Christian churches each *angādi* had a separate assembly. Even now some of the churches in the north have such assemblies. The arrangement made by Menezes was to ensure, as far as possible, that each *angādi* was represented in the Synod.

([80]) Every St. Thomas Christian church had (and even now has) a *yōgam* (assembly). All major questions of administration of temporal properties of the church, celebration of feasts etc. had to be settled in the *yōgam*. In more recent times the functions of the *yōgam* are becoming less and less important. *Yōgam* is of Hindu origin. Temple properties are administered by similar *yōgams*.

([81]) GOUVEA, *Synodo Diocesano*, f. 2.

It is possible that some churches were not represented in the Synod, although it is very unlikely that their number was great. But it is certain that many priests abstained from the Synod. We know that at Angamali alone there were 18 priests who preferred to remain at home ([82]). In the Synod there were also some interpreters, since, as we said above, the Archbishop did not know the language of the people, and the people, that of the Archbishop. One Jacob, a priest of Palluruthy, is named in the documents as the official interpreter ([83]). Ros and Antony Toscano were deputed to assist him in his work ([84]).

When everyone had assembled at Diamper, before the formal opening of the Synod, the Archbishop, according to Gouvea, selected eight priests of the highest standing, together with the Archdeacon, and read to them the decrees he had framed and asked them their opinion. In matters where it was convenient the Archbishop acceded to their suggestions. Besides them, four laymen of age and influence were formed into a committee, whose opinions were also solicited. It was, Gouvea says, on the good offices of these priests and laymen that the Archbishop relied for the peaceful and orderly celebration of the Synod ([85]).

We shall not go into the details of the Synod. We shall limit ourselves to a general outline. The Synod solemnly began on the third Sunday after Pentecost, June 20, 1599 ([86]). The whole Cathedral Chapter of the diocese of Cochin, the choir, and many clerics, together with the Captain of Cochin, Antony de Noronha came for the Synod.

According to the report of Gouvea, the Synod was very orderly except for one or two minor disturbances; and every-

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([82]) GOUVEA, *Jornada*, f. 87v.

([83]) GOUVEA, *Synodo Diocesano*, f. 2v. Here he is called Jacob *Caçanar*, a term usually used only of a St. Thomas Christian priest. Further he is said to have belonged to the same diocese, i. e. Angamali. But the Malayalam manuscript of the acts of the Synod, Biblioteca Vaticana, *Fondo Borgiano Indiano*, n. 21, f. 3 has *Yāko Pāthiri* (Jacob Priest). But *pāthiri* is a term used to designate either a foreign missionary or a priest of the Latin rite. It is seldom, if ever, used of a priest of the Syro-Malabar Church. For more information about the Malayalam manuscripts see Appendix § 2, a.

([84]) GOUVEA, *Synodo Diocesano*, f. 3.

([85]) GOUVEA, *Jornada*, f. 64.

([86]) In one place (*Jornada*, f. 56v) the date is given as July 20; but in all the other places (*Ibid.*, f. 64; GOUVEA, *Synodo Diocesano*, f. Iv, 2v) the date is given correctly as June 20, 1599.

body was given the right and occasion to express his views and take a legitimate part in the proceedings.

We shall give here a brief enumeration of the sessions from what we find in the accounts of Gouvea. The first day was taken up with the Pontifical Mass and initial ceremonies. On the second day was the profession of faith and when it was the turn of the assembled to make it, they began to murmur, asking why they should make the profession of faith, as though they were not already believers. The Archbishop replied that it was an obligation to profess the faith when required to, and in the face of suspicion and that he himself, their prelate and metropolitan, had given them the example first. So everybody was calmed and solemnly made the profession of faith ([87]). The same day another very significant event took place. The Portuguese Captain of Cochin, Antony de Noronha, knelt before the Archbishop to receive the commission of taking under his protection and favour all the Christians, their churches and bazaars, it was said, without prejudice to the rights of the native kings, in whose territories they lived. As if alarmed at this news, the Chief Minister of the King of Cochin hastened to Diamper to find out for himself what was really going on in the Synod. The Archbishop told him that the Synod was concerned only with religious matters and that by becoming better Christians the people would be only more loyal to their king ([88]). On the third day, according to the scheme prepared, matters relating to faith were to be discussed. But, the assembled said that it was very humiliating for them to have all those decrees read in the presence of the Portuguese, and they asked the Archbishop to transfer that section to the fifth day, the feast of St. John the Baptist, when the Portuguese would retire to Parur. The Archbishop agreed to the proposal and the section on the sacraments of Baptism and Confirmation ([89]) was taken up instead. The following day was spent on Eucharist, the Sacrifice of Mass, correction of Missal and the sacraments of Penance and Extreme Unction. On the

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([87]) GOUVEA, *Jornada*, f. 65.

([88]) *Ibid.*, f. 67.

([89]) *Ibid.* It is said here that the decrees on Baptism and Confirmation make up *Acção* IV. This is mistake. These decrees are of *Acção* IV (GOUVEA, *Synodo Diocesano*, f. 17 sq.). Besides, *Jornada* itself assigns the decrees on Penance and Extreme Unction to *Acção VI*, which took place on the fourth day. See f. 68.

feast of St. John the Baptist, with doors closed and no Portuguese other than officials inside, the ceremonies began earlier than usual as it was to be a long session and questions of faith were taken up and dealt with. On the following day the subjects were Simony, Holy Orders and Matrimony. On the seventh day the whole territory of the archdiocese of Angamali was divided into parishes. On the eighth day questions mainly of a secular character came up, such as heredity, dress, caste distinction, etc. At the end of the session the names of the newly appointed parish priests were read out. Then everyone had to sign the decrees of the Synod. First the Archbishop signed, followed by the Archdeacon, the priests, deacons, subdeacons and the lay procurators, and each one signed before the whole congregation, the Captain and Council of Cochin. The ceremonies came to a close with a solemn procession on June 26, 1599 ([90]). All this, as we said above, is according to Gouvea.

After the Synod, the Archbishop made another visit to the churches. Some of the churches he was visiting now a second time ; others he had not visited earlier. The main scope of this visit was to put into execution the decrees of the Synod of Diamper. A decree was published under excommunication that all who possessed Syriac books should hand them over to the Archbishop on his visit. Some of these books were corrected by Ros and some were solemnly burned by the Archbishop dressed in the pontificals. Many books perished in the fire ([91]).

([90]) GOUVEA, *Synodo Diocesano*, f. 58v has : " & asi foi acabado o synodo diocesano a 26 du mez de Junho de 1599 ". But the Synod according to Gouvea himself seems to have lasted 8 days. See GOUVEA, *Jornada*, f. 69v where we read : " No oitavo dia se celebrou a nona & ultima acção da reformação dos costumes ... " and Gouvea assigns for all the eight days distinct sessions and subject matter. See f. 64-69v. Since the Synod began on June 20, as we have said above, the final day would be June 27, and not 26 as we find in *Synodo Diocesano*. This is according to the account of Gouvea. In the Malayalam documents however, in one place it is said that the Synod ended on June 26, 1599 ; in another place, which seems to be more authentic, we find the date recorded as Friday, 25th June (See p. 187). So the Synod seems to have actually lasted only 6 days, of which the initial ceremonies took up two days. Hence only four days seem to have been devoted to the reading and passing of the main body of decrees.

([91]) Cfr. J. B. CHABOT, *L'autodafé des livres syriaques du Malabar*, in *Florilegium ou recueil de travaux d'érudition dédiés à M. le Marquis Melchior de Vogüé à l'occasion du quatrevingtième anniversaire de sa naissance*, 18 *oct.* 1909, Paris, 1909, p. 615-623.

The Archbishop now wanted to wind up his visit and return to Goa. He went up to Parur where he had many partisans and disclosed his desire to retire from Malabar. It is reported that he then appointed the Archdeacon as governor to rule the vacant diocese until the Holy Father provided a bishop. The Archdeacon was given Ros and the Rector of Vaipicotta, Stephen de Britto, as consultors. When they could not agree among themselves in an urgent matter, they were to abide by the decision of the Bishop of Cochin ; but when there was time, the matter had to be referred to the Archbishop himself in Goa. These were more or less the same conditions which the Archdeacon had refused previously ([92]).

Before leaving Parur, the Archbishop asked the priests and the influential laymen who had gathered there, whom they wanted as their new bishop. All with one voice said that they did not want anybody other than Menezes himself ([93]). The Archbishop replied that he was glad to accede to their request if only the Holy Father would accept his resignation from the see of Goa. Gouvea says that a renunciation of the see of Goa was made in juridical form. It seems very improbable, however, that this actually took place.

We cannot say exactly when the Archbishop left the St. Thomas Christians, as the chronicler, contrary to his practice in the

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([92]) GOUVEA, *Jornada*, f. 112v ; cfr. also f. 12v.

([93]) *Ibid.*, f. 112v-3. Apropos of this C. DE CLERCQ, *Histoire des Conciles*, t. XI, p. 66, remarks : " Cependant Menezes devait encore frapper le grand coup auquel il songeait de longue date, mais dont il n'avait pas osé parler publiquement jusqu'ici : imposer un évêque latin au diocèse oriental sans pasteur. Il avait déjà fait à Rome les démarches nécessaires pour que le P. Roz fût désigné comme évêque des Malabares. Il voyait approcher le moment où cette désignation allait se produire, et, suivant un plan froidement conçu d'avance, tout à la fin de sa visite, probablement dans les dernières journées de septembre, à Paru où il comptait sans doute des partisans très devoués, il assembla le clergé et le peuple de la ville et des environs pour jouer une petite scène, qui eut malheureusement l'aspect d'une comédie.

Menezes annonça qu'allant quitter les Malabares il désignait, comme administrateur provisoire du diocèse l'archidiacre Georges, en attendant l'arrivée du nouvel évêque. Ce geste plut à la foule. Puis ayantr envoyé la masse des fidèles, il garda autour de lui les cassanares et les notables laïques pour leur demander qui ils voulaient comme évêque. Tous s'écrièrent qu'ils n'en désiraient qu'un seul, Menezes lui-même. Ce geste s'explique du fait que la majorité de l'assemblée était sans doute composée d'éléments tout à fait sûrs ou peut-être par l'espoir que Menezes ne serait pas toujours sur place ".

earlier parts of his book, does not give precise dates or satisfactory clues thereto in the latter part. We only know that, visiting some other places and negotiating other business, the Archbishop entered Goa on November 16, 1599, after an absence of nearly eleven months ([94]).

Some time after the Synod of Diamper, on November 25, 1599, a letter ([95]) was sent to the Pope by the Archdeacon, giving information about the Synod and its work. There is no need of any great psychological intuition to conclude that the letter represented in no way the genuine sentiments of the writer ([96]), if at all the writer was made to understand the real contents of the letter, which was written in Latin, a language not known to him. For the poor Archdeacon there was nothing left but to put his signature where and when the Portuguese wanted. He had been cornered from every side.

Soon the appointment of the new bishop was made. It was Ros. He was certainly the candidate of the Archbishop of Goa's backing. The names of many others were spoken of in this connection in Rome. In the diary of Cardinal Santori there are references to two names. Both these were presented by the Portuguese government. There is an entry for May 8, 1597 ([97]), of the name of a certain John Baptist, a Dominican of Maronite origin. His case was not very much pressed forward, since it was not yet known in Rome that the see of Angamali was vacant. There are two other entries concerning Don Luis de Cerqueira, a Portuguese Jesuit, as a candidate for the archbishopric of Angamali. One is of March 26, 1598 ([98]) and the other of January 14, 1599 ([99]). In the first, it is said that Angamali is not under Portuguese patronage and so is of free nomination. In the second, Cerqueira is said to be in Japan (he was a titular bishop with the right of succession to the see of Japan), and that it would be inconvenient to call him back and that the Jesuit General would offer another candidate. In this connection it is interesting to read an observation of Stephen de Britto, Rector of Vaipicotta, in a letter written to Aquaviva, the

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([94]) GOUVEA, *Jornada*, f. 127v.

([95]) ASV, *Fondo Borghese*, vol. 92b, f. 362-363v : ed. BELTRAMI, *op. cit.*, p. 253-256.

([96]) For comments on the letter cfr. BELTRAMI, *op. cit.*, p. 128.

([97]) ASV, Arm. III, vol. 21, f. 293 : ed. BELTRAMI, *op. cit.*, p. 240.

([98]) *Ibid.*, vol. 22, f. 38 : ed. BELTRAMI, *op. cit.*, p. 241.

([99]) *Ibid.*, vol. 22, f. 54 : ed. BELTRAMI, *op. cit.*, p. 241.

Jesuit General, dated January 3, 1600 ([100]) : " The news reaching us with the ships, namely that the friar who, much to our dislike, was expected as Bishop of Malabar, is not coming any more, has added to the joy we have had at the splendid success [of the Synod] ; for we have more fear of zealous religious than of any embroilment from the people of Malabar ". Whether this reference is about John Baptist, the Dominican friar of Maronite origin mentioned above, or some one else, we do not know. Anyhow, this extract reveals the attitude of the time. Finally the name of Ros came up, though some of the Portuguese Jesuits in Malabar did not favour his nomination ([101]). He had the favour and support of Menezes and was nominated to the see of Angamali ([102]) : but at the same time the archdiocese of Angamali was reduced to the status of a bishopric and was made subject to the Archbishop of Goa. It did not take much time to extend the right of patronage of the King of Portugal to the see of Angamali ([103]). The news of the lowering of the status of their Church was not disclosed for a time to the people. But, once it became known, they were very much troubled and dissatisfied. Then, finally in 1608 ([104]) the title of archbishopric was restored and Angamali was freed from the metropolitan rights of Goa.

We have tried to outline from a historical point of view the background and setting of the Synod of Diamper and the circumstances that led to it and the events that immediately followed. Next we will have to examine from a juridical angle the value and merits of the Synod.

A discussion of the legitimacy of a council or synod would lend itself to the following natural development. First of all it

([100]) ARSI, *Goa-Mal.* 15, f. 1-2. Our excerpt is on f. 1v : " Acrescentounos a consolação que tinhamos com tão prosperos successos, a nouva que pollas nãos tivemos, de como não vinha por Bispo desta Serra o frade que se esperava com pouco desejo ; porque mais medo tinhamos de zelos religiosos, que de embrulhadas de Malavares " [!].

([101]) Cfr. a letter of George de Castro to Aquaviva : ARSI, *Goa-Mal.* 15, f. 421-422v.

([102]) Ros was declared Bishop of Angamali in the consistory of December 20, 1599. ASV, Arch. Consist., *Acta Camer.*, vol. 13, f. 133. The same is found also in *Acta Vice Cancel.*, vol. 14, f. 45v and in *Acta Miscel.*, vol. 16, f. 111 ; but in *Acta Miscel.*, vol. 37, f. 147 the entry is given erroneously under November 15, 1599. Cfr. ANTÃO, *op. cit.*, p. 38, note 54.

([103]) The bull is dated August 4, 1600. *BPP*, vol. I, p. 260-1 gives the text of the bull.

([104]) The bull is dated December 22, 1608 and is published in *BPP*, vol. II, p. 8-9.

might be determined what kind of a council or synod (diocesan, provincial etc.) we are going to discuss. Once that is settled, the four following questions might follow in their logical as well as chronological order: i) Was the council or synod legitimately convoked? ii) Was it legitimately conducted? iii) Was it approved by competent authority? iv) How and in what manner has consuetude later modified, or not, the legal import of the council? Except for the first of these four questions, one may separate the synod from its decrees. One can, for example, talk of the legitimate celebration of a synod and then separately discuss the nature of the decrees enacted therein, viz. whether one or other of the decrees was against *ius commune*. Similarly one may treat of the approbation of a synod as a whole, or only of some of its decrees in particular. Again, consuetude might have affected the juridical value of a synod as such or only some enactments thereof.

In the following pages we shall keep to the natural development traced above, except for two modifications. First, we shall, in our thesis, treat only of the Synod of Diamper in general, refraining from all considerations of its decrees in particular. Our scope is simply to study the juridical import of the Synod as a whole. This is due to two reasons. In view of the conclusion we hope to arrive at, namely the invalidity of the Synod as such, there is not much point in discussing the decrees one by one; and secondly, the decrees of the Synod of Diamper are so numerous and elaborate, that it would be impossible to discuss even the main ones, in an adequate manner within the limits of a short study such as this. This is the first limitation in our treatment. The other deviation from the method of procedure traced above, will be our fusing into one, the two questions regarding the legitimate conduct of the Synod and its subsequent approbation. This has been imposed upon us by the fact that the very same documents, as we shall see, throw light on both these questions. We actually come to know of details useful with regard to the manner of conduct of the Synod only in connection with its approbation. Thus our distribution of the subject matter in the coming chapters will be as follows:

Chapter	II	Of what kind was the Synod?
"	III	Convocation of the Synod
"	IV	Approbation of the Synod
"	V	Consuetude
"	VI	Conclusion

To this we shall add an Appendix on the manuscript copies and editions of the acts of the Synod.

Chapter II

OF WHAT KIND WAS THE SYNOD?

Was the convention held at Diamper a diocesan synod or a provincial council? Formulated thus, the question we intend to discuss is not correctly worded. For, the object of our thesis itself is to inquire whether the so-called Diamper Synod was a valid synod at all. So, how can we, here, in this preliminary chapter speak of it as a diocesan synod or provincial council without qualification? What we mean to study in this chapter is the category of synods or councils that the Diamper Synod would belong to, supposing for the present that it was legitimately convoked and conducted.

Even at the time of the celebration of the Synod of Diamper, there were some, well qualified to report, who called the gathering a provincial council. In a letter written on January 3, 1600 (1), only a few months after the Synod, by the Rector of the seminary at Vaipicotta, Stephen de Britto to Claudius Aquaviva, the General of the Society of Jesus, the writer says: "His Excellency Menezes conducted the Provincial Council most peacefully and with all agreeing". Similar expressions can be found in the correspondence of the period occasionally. One or two early editors have also in like manner taken the Synod for a provincial council (2).

If we pass on to examine what circumstances could have favoured such a view, we might mention the following facts. The Diamper Synod was one intended for the entire St. Thomas Christian community of Malabar. That this community in ancient times and even in the rather immediate past had formed an ecclesiastical province by itself is beyond any doubt. On the situation before the arrival of the Portuguese, we have no

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(1) ARSI, *Goa-Mal.* 15, f. 1-2. Our excerpt in the original reads: "Celebrou S. Sra. o Concilio Provinciale, com grandissima paz e união de todos ...".

(2) A. Possevinus, *Apparatus Sacer ad Scriptores Veteris et Novi Testamenti*, t. I, Venice, 1606, p. 392sq; P. Labbeus, *Sacrosancta Concilia*, t. XXI, Venice, 1733, col. 1427sq.

clear documents, except such as to show that the Church of Malabar comprised a metropolitan see with some suffragan ones (3). At the dawn of the XVI century there were five bishops in Malabar (4). We know very little about the division of territory among them. The metropolitan seat seems to have been Kodungalore (Cranganore) (5). After the death of Mar Jacob, the last of these, which occured in 1550 or a little later, there seems to have been no bishop for a while in Malabar. Mar Joseph and Mar Elias who came in 1557, ministered to the needs of the Christians, but not within definitely demarcated areas. The need for such delimitation was not felt as Mar Elias left Malabar before long for good. Mar Joseph was soon after taken to Lisbon and Mar Abraham came in his stead. A period of deportation and release of one or the other bishop followed for some time. It was at this time, it seems, that Mar Abraham, mainly to be out of the Portuguese orbit, abandoning Cranganore which was on the coast where the Portuguese had a fortress, fixed his seat in the interior at Angamali which was a centre of the St. Thomas Christians (6). From 1569 Mar Abraham was alone in Malabar till his death in 1597. He had the title of metropolitan.

From this brief enumeration of events it is clear that time and again there was actually more than one bishop to rule the St. Thomas Christians, and that first Cranganore and then Angamali was the metropolitan seat. It is also evident that the needs of the Church required the presence of more than one bishop and that, when conditions were normal, this need was fulfilled. It should be noted, however, that there was no clear and stable territorial delimitations.

If we go over official documents, we find repeatedly the term ' province ' used in connection with the Church of the St. Thomas Christians ; and that even when there was only one bishop to

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(3) GOUVEA, *Jornada*, f. 5v.

(4) For more information about the succession of bishops during this period see p. 6 sq.

(5) Cfr. a letter of the Cathedral Chapter of Angamali dated December 20, 1601 : ASV, *Fondo Borghese*, vol. 233, f. 31, 31v, 34, 34v : ed. BELTRAMI, *op. cit.*, p. 263-6, where we read : " Quod vero Cranganorensis, metropolitana semper fuerit, notius est quam ut probatione indigere videatur " (p. 265). Cfr. also a letter of the people of Angamali : ASV. *Fondo Borghese*, vol. 233, f. 30, 30v, 35, 35v : ed. BELTRAMI, *op. cit.*, p. 267-9.

(6) We read in the letter of the Cathedral Chapter of Angamali cited in the above note : " Mar Abraham, primus fuit, qui non ita pridem Cranganore relicta, haud scimus quo genio ductus Angamale concessit ".

rule them. Thus, for example, in the letter of Mar Abraham to Pope Gregory XIII dated January 13, 1584, he makes mention more than once of the 'province' of the St. Thomas Christians (7). It is true that at this time there was the Archdeacon, designated Bishop of Palur and subject to the Metropolitan of Angamali; but his nomination had not yet taken effect. More illuminating is another pontifical document, a brief of Clement VIII to the Archbishop of Goa, dated January 27, 1595. We shall have occasion later on to speak at greater length about this document. In this brief, when the Church of Angamali is spoken of, the expression 'diocese and province' is repeated three times (8). At this time there was no bishop other than Mar Abraham to govern the entire St. Thomas Christian community, and there is no doubt that the word 'province' is used in its ecclesiastical sense, coupled as it always is with 'diocese'. So the St. Thomas Christians were considered as constituting an undivided ecclesiastical province by themselves, even when there was only one bishop to govern them.

Would a council which is convoked for a province be, *ipso facto*, a provincial council?

In spite of all that we have narrated above, the fact remains, that the Diamper Synod was generally considered a diocesan synod. It is so described in the convocatory letter and in the proceedings of the Synod (9). It is so entitled in almost all the editions of its decrees that immediately or subsequently appeared (10). If there were a few who, as noted above, casually spoke of it as a provincial council, the great majority of references in the correspondence of the period speak of it as a diocesan synod (11). Besides, there is a parallel case. In 1583, a few years before the Diamper Synod, a synod had been held at Angamali by Mar Abraham with the aid of the Jesuits of Vaipicotta. That

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(7) ASV, AA. Arm. I-XVIII, n. 1835 : ed. GIAMIL, *Genuinae Relationes inter Sedem Apostolicam et Assyriorum Orientalium seu Chaldaeorum Ecclesiam*, Rome, 1902, p. 98. The passage reads : "Fuere etiam hoc anno, Pater Sanctissime, nobis, cunctoque hujus provinciae populo et clero suae litterae allatae, ex quibus intelleximus, quantum nobis esset elaborandum, ut ab hac provincia intrusus episcopus Simeon rejiciatur."

(8) Arch. Brev. Apost., vol. 223, f. 89 sq. : ed. *SBPP.* p. 9-10 & BELTRAMI, *op. cit.*, p. 248sq. See notes 76 & 83, ch. III, p. 69, 72.

(9) GOUVEA, *Synodo Diocesano*, f. Iv, 2v.

(10) See Appendix.

(11) We might here, for example, mention the letter of N. PIMENTA, *Nova relatio historica* ... Mainz, 1601, p. 156.

synod was always spoken of as a diocesan synod, although the whole of the St. Thomas Christian community was represented at it (12). The situation had not changed much in 1599. Mar Abraham had died, and now it was Menezes, claiming to be the lawful prelate of the St. Thomas Christians, who convoked the Synod for the entire St. Thomas Christian Church.

So finally the question is whether a council intended for a province *ipso facto* becomes a provincial council, or should necessarily be participated in by more than one bishop pertaining to that province before it can be so described.

At one time a question, somewhat similar to the present one, was discussed in the S. Congregation of the Council. As we read in *De Synodo Dioecesana* of Benedict XIV, the question arose about synods celebrated by some metropolitans in Italy who had no suffragans, but in which occasionally abbots *nullius* with distinct territories participated. Once such councils were held by the S. Congregation to be real provincial councils; but later on the contrary opinion prevailed. Benedict XIV himself subscribes to this second view. He makes his own the argumentation of a certain canonist, that archbishops without suffragans are not, in the strict sense of the word, archbishops or metropolitans, their title being only honorary. He concludes: "No synod convoked by such persons, even with the participation of abbots holding quasi-episcopal jurisdiction in separate territories will become properly provincial, but will remain only diocesan" (13). This conclusion is in conformity with the definition of a provincial council given by the same illustrious Canonist-Pope: "Provincial councils are those in which bishops of a province convene under their Archbishop or Metropolitan" (14).

In our case, though the Diamper Synod was held for a province, it was a council, in which no one but Menezes exercised legislative authority. There is no need of taking into consideration the presence of the Archdeacon, who was at that time the administrator of the Church, for the simple reason that, although given some preferential signs of honour, he was con-

(12) Cfr. *BPP.* vol. II, p. 74-5; ASV, AA. Arm. I-XVIII, n. 1835: ed. GIAMIL, *op. cit.*, p. 98.

(13) BENEDICTUS XIV, *De Synodo Dioecesana*, II, iv, III-V: "Nulla quippe synodus, ab his celebrata, etiam cum interventu Abbatum fruentium jurisdictione quasi episcopali in territorio separato erit vere provincialis, sed tantum dioecesana".

(14) *Ibid.* I, i, II: "Provincialia [concilia] sunt, in quibus conveniunt episcopi unius provinciae sub eorum Archiepiscopo, seu Metropolitano".

sidered just one of the priests taking part in the Synod, and had no legislative power, the Archbishop being the sole law-giver. Besides, for our question, we have a more explicit document in a letter written by Pope Gregory XIII to Mar Abraham in connection with the provincial councils of Goa. The Pope in this letter goes on the supposition that it is impossible for the prelate of the St. Thomas Christians to hold a provincial council in the circumstances which we are considering (15).

So our conclusion is that any synod celebrated for the St. Thomas Christian Church in 1599 by its legitimate prelate, according to the sacred canons, is to be considered a diocesan synod and not a provincial council. To us this seems evident. All the same, we took up the question for consideration because of the possibility of doubt arising from indications to the contrary.

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(15) ASV, Arm. 44, t. 24, f. 128v-129v : ed. GIAMIL, *op. cit.*, p. 605 & *BPP.* vol. II, p. 227. The text reads : " Illud etiam pernecessarium judicamus, ut una cum caeteris Indiae Episcopis atque Antistitibus intersis Synodo provinciali, quae haberi solet Goae ; neque enim alia synodus est cui interesse possis, neque ipse propriam habere potes ; scis enim te hactenus sine suffraganeo esse ... ".

Chapter III

CONVOCATION OF THE SYNOD

The legitimacy of the convocation of a synod depends mainly on three factors : i) whether the one who convoked the synod had a legitimate title or titles to do so ; ii) whether those who had the right to attend the synod were formally invited ; iii) whether those who should have been excluded were actually welcomed or present. With regard to the convocation of the Synod of Diamper, we shall have to discuss only the first of these conditions in detail. Concerning the second question, whether all those who had the right to attend were legitimately invited, there is no room for any doubt. By the convocatory letter each and every priest was called to the Synod under pain of excommunication *latae sententiae* (1). With regard to the third point a difficulty might be raised concerning the invitation extended to laymen to participate in the Synod. Four men elected from each parish were to be present at the convention. On the subject of introduction of laymen to diocesan synods, Benedict XIV observes that it was a practice not so very rare in the ancient discipline of the Church (2). He is of opinion that, generally speaking, the participation of laymen in synods is against church law ; but he concedes that under certain conditions they could nevertheless be admitted, provided they do not take part in the voting (3). In the light of these observations, we see that

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(1) Gouvea, *Synodo Diocesano*, f. 1v has : " ... mandamos em virtude de santa obediencia, & sopena de escomunhão latae sententiae, ao Reverendo Arcediago deste Bispado, & a todos os mais sacerdotes delle que não tiverem legitimo impedimento de enfirmidade, idade, ou outra inevitavel occupação se achem prezentes aos ditos vinte dias do mez de Iunho na Igreja de todos os Santos do dito lugar de Diamper pera com nosco celebrarem o dito Synodo Diocesano ".

(2) Benedictus XIV in *De Synodo Dioecesana*, III, IX, VIII says, " Non prorsus ab antiquis moribus alienum fuisse arbitramur, ut ad istas [dioecesanas synodos] pariter quandoque laici introducerentur ".

(3) He sums up the doctrine to be held in five points : " Primum, jus commune obsistere laicis ne synodo se interesse debere contendant. Secundum, non obstante hac juris severitate, aliquid nihilominus esse deferendum

the invitation of laymen to the Synod of Diamper was quite legitimate. It was a very ancient custom among the St. Thomas Christians of Malabar for their lay representatives to attend ecclesiastical conventions (4). This was due to the fact that laymen had a fairly large hand in the administration of church properties and in determining other matters relative to church welfare (5). Besides, although the Christians were dispersed in the diverse principalities of many Hindu princelings, because of an ancient privilege, the bishop was acknowledged as their quasi-temporal head and acted as judge even in secular affairs, on issues concerning the Christians alone (6). Thus ecclesiastical conventions had at times on the agenda even secular matters which might have some bearing on spiritual ones. The Synod of Diamper too had a section on such subjects in its scheme (7). So it was only fitting that laymen too were invited to participate in it. But their participation was limited to making proposals, which they deemed conducive to the good government of the Church, and to accepting the decrees of the Synod in the name of the people they represented. All this is sufficiently indicated in the convocatory letter itself (8).

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contrariae consuetudini, si alicubi jam invaluerit. Tertium, etiamsi ejusmodi consuetudo nondum sit introducta, posse episcopum ex aliqua gravi urgentique causa ad suam synodum laicos admittere, dummodo suffragium non ferant. Quartum, inter sufficientes causas illos admittendi, non posse eam annumerari quam S. Congregatio jam rejecit, quod scilicet, episcopus laicorum consilio indigeat ; commode quippe potest eos extra synodum consulere. Quintum, demum, cavendum esse episcopis ne sine vera et gravi necessitate laicos ad synodum arcessant ... ". *Ibid.*

(4) Laymen participated in the synod which took place at Angamali in 1583. See ASV, AA. Arm. I-XVIII, n. 1835 : ed. GIAMIL, *op. cit.*, p. 98.

(5) See note 80, ch. I p. 18..

(6) GOUVEA, *Jornada*, f. 61.

(7) GOUVEA, *Synodo Diocesano*, *Acção*, IX.

(8) *Ibid.*, f. 1v-2. The passage referring to the part to be played by laymen is as follows : " ... como por custume immemorial, & posse introduzida no mesmo Bispado desdo principio delle, cunsentida por todos os Reys infieys deste Malavar, quasi todo o governo no temporal & conhecimento de todas as cousas dos Christãos pertenece à Igreja & ao prelado della & ser tambem costume antigo nelle darse conta aos povos das cousas ordenadas na Igreja pera millor serem guardadas de todos ... ; eleia cada Bazar ou ajuntamento quatro pessoas das mais honradas ... pera que em nome de seu povo venhão no mesmo tempo ao dito Synodo com poder bastante do dito povo pera em nome de todos poderem aprovar, assinar, confirmar, consultar, & obrigarse a comprir as cousas que no Synodo se

Such participation of laymen in ecclesiastical conventions was not very rare among the other Oriental Churches as well. In the case of the Maronites, for example, very often lay potentates participated in synods. Benedict XIV himself cites the instance of the Provincial Council of Mount Libanon ([9]).

So the convocation of laymen to the Synod of Diamper was in order and was legitimate. The only question left over — and this is the most important one, the one we mentioned first — is whether the convenor had in reality legitimate titles, ordinary or delegated, to convoke the Synod.

Art. 1 The Titles claimed for convoking the Synod

Before beginning actually to discuss whether the Synod was conducted by Menezes with legitimate titles, we shall here try to find out what were the claims put forward by him.

Where have we to look for the titles claimed for the conduct of a synod? One usually looks for them in the convocatory letter and in the inaugural address of the president. These are the proper and authentic places where such claims are indicated. In our case the titles are given in these two places quite clearly and without ambiguity. We will first collect from these two documents all passages which will throw light on the titles put forward to legitimize the convocation of the Synod, and then we shall analyse them to find out their exact bearing on the convenor's right of conducting the Synod.

In the convocatory letter sent by Menezes on May 14, 1599, from Chanotta, as given by Gouvea in *Synodo Diocesano* ([10])

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determinarem & tratarem, & pera nelle poderem requerer, & propor as cousas que virem que importão ao Synodo de Deos nosso Senhor, & bem spiritual & temporal dos ditos povos, & Christandade".

([9]) Benedictus XIV, *op. cit.*, III, ix, V.

([10]) Gouvea, *Synodo Diocesano*, f. 1: " ...fazemos saber a todos & a cada hum em particular, que o Sanctissimo Padre Clemente Papa oitavo nosso Senhor Pontifice Romano & Vigayro de Iesu Christo nosso Senhor na terra, & hora na Igreja de Deos Presidente enviou dous Breves dirigidos a nós, hum passado a vinte & sete de Ianeyro de noventa & cinco & outro a vinte & hum do mesmo Mez. de Ianeyro de noventa & sete: nos quaes... nos mandava que por morte do Arcebispo Marhabrão tomassemos posse desta Igreja, & Bispado, & não consentissemos entrar nelle Bispo, ou Prelado algum vindo de Babylonia como atè agora costumavão ... & creassemos no dito Bispado Governador & Vigayro Apostolico pera que no spiritual &

we read: "We give you, one and all, to understand, that the Most Holy Father Pope Clement VIII, our Lord Bishop of Rome and Vicar of Our Lord Jesus Christ upon earth, now presiding over the Church of God, sent two briefs addressed to Us; the first on January 27, 1595 ([11]) and the other on the 21st of the same month of January 1597, in which ..... he commanded Us, on the death of the Archbishop Mar Abraham to take possession of this Church and bishopric and not to suffer any bishop or prelate coming from Babylon to enter therein, as has been hitherto the custom; ..... and to appoint a governor or vicar apostolic for the above-said bishopric, who could rule it in temporal as well as spiritual affairs, until such time as the Holy Roman

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temporal o governasse em quanto a Sancta Igreja de Roma não provia de Bispo, & proprio Pastor do dito Bispado". But in GOUVEA, *Jornada*, f. 56v, there is a reference to a convocatory letter sent to all the churches signed by Menezes *and the Archdeacon*. That was sent from Vaipicotta, where the Archdeacon and his party had come to meet the Archbishop and to be reconciled with him. The convocatory letter is called *olla*, i. e., a document written on palm leaf. The document given as "*Publicaçam e chamamento ao Synodo*" taken from the *Synodo Diocesano*, from where we have been quoting, is signed by the Archbishop only, and is addressed to the Archdeacon also; and everyone, including the Archdeacon himself, is commanded, in virtue of holy obedience and under pain of excommunication, to be duly present at the Synod. Thus, it might seem that they treat of two different documents. But it should be remembered that Chanotta of the convocatory letter in *Synodo Diocesano* and Vaipicotta in *Jornada* are two designations for the same place. (It was also known by yet a third name *Chennamangalam*). Besides, although no date is given in *Jornada*, f. 56v, in connection with the sending of the convocatory letter, nevertheless, from the context, it cannot be much earlier or later than May 14, the date in the text of *Synodo Diocesano*, for Menezes did not remain very long at Vaipicotta, as one can gather from the record of Gouvea. Is it very likely that two such letters should be sent one after the other within this short period? To us it appears far more probable that the document we have in *Synodo Diocesano* is the one prepared for the use of the Portuguese and a more conciliatory version in Malayalam (the native priests and people did not, as a rule, know Portuguese) might have been circulated, signed both by the Archbishop and by the Archdeacon. The reasons for so supposing will become more evident, when the history of the redaction of the acts of the Synod as they appear now, is presented later on. See Appendix. Also cfr. C. DE CLERCQ, *Histoire des Conciles*, t. XI, p. 39, note 3.

([11]) F. RAULIN, *Historia Ecclesiae Malabaricae cum Diamperitana Synodo* Rome, 1745, p. 60 by mistake has "quarum una sub die 27 Januarii An. 1594".

Church shall provide the bishopric with a bishop and proper pastor». The convocatory letter proceeds to recount how Menezes tried to execute the apostolic mandates ; how after the death of Mar Abraham he wanted to nominate a governor for the vacant see in virtue of the above-said briefs and then adds : " Besides, the same was incumbent on Us by right, as the said Church had no Chapter to take care of it during the vacancy of the see and as we are the Metropolitan of all the Churches in India and Primate thereof, and of all the Orient " (12).

In the convocatory letter it is further described how Menezes was impeded from executing the mandates of the Pope by the opposition of the Archdeacon and his followers and how he finally determined to go personally to Malabar and visit the churches of St. Thomas Christians to bring them to obedience to the Holy Roman Church and to correct their books full of Nestorian heresies etc., etc., and how by the Grace of God, light finally dawned upon the erring flocks and how they made themselves subject to the Holy Roman Church. After this narration, Menezes continues : " It seemed to Us that we should convoke a diocesan synod in order that these doings might attain their desired ends stably and securely " (13). So much for the convocatory letter.

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(12) GOUVEA, *Synodo Diocesano*, f. 1 : " alem do mesmo nos pertencer por direito por a dita Igreja não ter Cabido a quem pertencesse o governo della, sede vagante, & nos sermos metropolitano de todas as Igrejas da India, & Primâz della, & de todas as partes Orientaes ". The Latin translation in RAULIN, *op. cit.*, p. 60 reads : " Id quod aliis titulis nostri muneris erat : primo quia talis Ecclesia Capitulo (quod sede vacante ipsam regeret) destituta erat ; deinde quia ea res ad Metropolitam Indiae, & omnium Ecclesiarum in partibus Orientalibus primatem attinere videbantur ". This rendering of *titulis* in plural with their subsequent separate enumeration does not correspond fully to the Portuguese original, in which both the absence of the Chapter and the right of the Metropolitan are together taken as one. The Portuguese rendering is juridically more exact than the Latin version by Raulin.

(13) GOUVEA, *De Synodo Diocesano*, f. 1v : " nos pareceo que pera todas estas cousas terem o fim desejado, & ficarem firmes, & seguras deviamos de ajuntar Synodo Diocesano ... ". The same passage is found more or less in identical words in the Portuguese manuscript copy preserved in the Jesuit Archives at Rome, ARSI, *Fondo Gesuitico*, n. 721, VI, 1, *Malabar*, *Synodo Diocesano*. In another copy of the acts preserved in the Jesuit Roman Archives, ARSI, *Goa-Mal.* 62, which is an abridged Latin translation, there is a summary, with some changes, of the convocatory letter, under the title, *Indictio Synodi*. We read there : " Clemens VIII nobis mandavit dato ad id uno et altero diplomate, ut post obitum Archiepiscopi

Besides the convocatory letter written nearly a month before the actual assembling of the Synod, we have also the minutes of the opening discourse of Menezes in the Synod, as given by Gouvea. There we find: " When all had taken their seats in order of precedence, [Menezes] said he was conducting this Holy Synod by virtue of two briefs of Our Lord the Holy Father, Pope Clement VIII, in which His Holiness had entrusted him with the government of this Church on the death of the Archbishop Mar Abraham until such time as it should be provided with a pastor and prelate. Moreover, it was his right by sacred canons to look after the administration of the Church during the vacancy of the see, since it was without a Chapter and was a suffragan Church of which he was the Metropolitan, he being, besides, Primate of all India and of the Orient " (14).

These two documents, one complementing the other, give us exactly the titles with which Menezes thought he was authorized to convoke the Synod. These are, as we have said above, the two most important documents from which one has to judge the titles of the Synod.

Now, if we analyse the above-cited passages, we are led to make the following conclusions:

1) The Synod was convoked with two titles, as is clear even from a casual reading of the texts quoted., namely, (i) the two briefs of Pope Clement VIII, and (ii) Menezes' capacity as Metropolitan of the vacant suffragan see of Angamali which was without Cathedral Chapter.

2) These two titles are each distinct and independent of one another and are each adequate in itself. To find that they were considered distinct, it is sufficient to note the following expressions: " besides, the same was incumbent on Us by right "

Marhabrami praedictae Ecclesiae possessionem adiremus. Igitur, ubi Marhabrami obitum accepimus optantes debita Reverentia obedientiaque exequi haec apostolica mandata tentavimus eam ingredi possessionem ac vi concessae nobis facultatis ejusdem Ecclesiae Gubernatorem et Vicarium creare quod etiam ea sede vacante nec superstite capitulo penes quod esset ejus moderanda auctoritas jure ad nos pertinere videbatur, Indiae utique primatem " (f. 1v). The convocatory letter is missing in the Malayalam copies of the acts of the Synod preserved in the Vatican Library. See Appendix for the history and relative value of these different manuscript copies and editions.

(14) GOUVEA, *Synodo Diocesano*, f. 2v.

(C. L.) [15]; " besides, it belonged to him by sacred canons " (I. A.). So the two titles are distinct. They are also independent of each other, since one is delegated (by the two briefs) and the other is ordinary (being the right of a metropolitan according to the sacred canons). That each title was adequate for the celebration of the Synod is evident from their separate enumeration.

3) The two briefs are, one of January 27, 1595 and the other of January 21, 1597 from Pope Clement VIII, both given to Menezes.

4) The two briefs entrust the whole government of the Church of Angamali to Menezes, until Rome appointed a new bishop for the diocese: " Two briefs in which he commanded Us to take possession of this Church " (C. L.); " by virtue of the two briefs ..... His Holiness had entrusted him with the government of this Church on the death of the Archbishop until such time as it should be provided with a pastor and prelate " (I. A.). Here, by ' pastor and prelate ' is indicated the bishop to be appointed by the Holy See, and not the administrator to be appointed by Menezes, as is clear from the context and the constant distinction made between ' governor ' and ' pastor and prelate '. Thus Menezes is entrusted with the government of the vacant Church till the Holy See provides a bishop.

5) The two briefs, besides, give to Menezes the faculty of appointing an administrator to govern the Church until Rome provides a bishop: " He commanded Us ..... to appoint a governor and vicar apostolic for the above-said bishopric, to rule it in temporal as well as spiritual affairs until such times as the Holy Roman Church shall provide the bishopric with a bishop and proper pastor " (C. L.).

6) From (4) and (5) it follows that Menezes as well as the administrator to be appointed by him, would govern the Church of Angamali until a new nomination came from Rome. This would mean that Menezes alone would govern the Church until he appointed a governor and that even after the appointment of the governor or administrator, he could still continue to direct the affairs of the Church. This would be possible only on the supposition that the administrator would be entirely subordinate to the Archbishop in the government of the Church. The faculty to remove an administrator once appointed is not mentioned anywhere.

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[15] Elements taken from the convocatory letter will be marked (C. L.) and those taken from the inaugural address (I. A.).

7) The faculty to celebrate the Synod is granted by the two briefs, not by any specific commission, but, as included in the larger jurisdiction of the one to whom the entire government of the Church pertained. This is evident from the convocatory letter, where, after speaking of the briefs and the visit to the churches, Menezes adds how he finally decided to convoke the Synod, without in any way alluding to a special mandate to celebrate the Synod. Besides, in the inaugural address, without specifying or limiting his claims any further, he says: " That he was celebrating this Holy Synod by virtue of the two briefs of the Holy Father Pope Clement VIII Our Lord, by which His Holiness had entrusted him with the government of this Church ".

8) Menezes claims that, he is the Metropolitan of all India and Primate of all the East and also of Angamali: " We are the Metropolitan of all the Churches in India and Primate thereof and of all the Orient " (C. L.); " and he was its [Angamali's] Metropolitan, and Primate of all India and of all the Orient " (I. A.). The correlative suffragan position of Angamali is also explicitly mentioned: " It was a suffragan Church " (I. A.).

9) Because of the lack of a Cathedral Chapter in the suffragan see, which is vacant, it is Menezes' right as the Metropolitan to govern the Church. This is not very evident in the convocatory letter, where, in the context of appointing an administrator, it is said: " Besides the same was incumbent on Us by right, as the said Church had no Chapter to take care of it ..... and We are the Metropolitan ", which could perhaps lend itself to the interpretation that the title of Metropolitan gives Menezes the right of appointing an administrator for the vacant suffragan Church without a Chapter. But in the inaugural address the real meaning becomes clear. There, after saying that the Holy Father entrusted him with the government of the Church by the two briefs, Menezes continues: " Besides it belonged to him by sacred canons to see to the administration of the Church (*prover esta Igreja do governo*) during its vacancy ". Here, *prover esta Igreja do governo*, cannot be taken in a restricted sense to mean only the appointment of an administrator, since, in the context, the title is invoked to show the legitimacy of the convoking of the Synod; *prover esta Igreja do governo*, therefore, can only mean direct administration of the Church by Menezes himself.

10) The title to celebrate the Diocesan Synod of Diamper is not any particular right of the Metropolitan in a vacant suffragan see of his, devoid of Chapter, but is a part necessarily

included in the whole jurisdiction of the vacant diocese, which has devolved in its entirety on the Metropolitan. This is evident from the fact, that, as shown in no. (9), to legitimize the convocation of the Synod, Menezes refers to the fact that the entire government of the Church of Angamali, is invested in him in his capacity of Metropolitan, without any limitation or restriction.

11) Of the two titles, the title of the two briefs is always put first, primarily, it seems, out of due respect for the papal documents and secondly because it is an extraordinary provision. It is also possible that the title of the two briefs was considered the more important of the two.

These are the conclusions at which we arrive on a careful analysis of the two most important documents wherein Menezes refers to the titles invoked to legitimize the convocation of the Synod. Nos. 3-7 deal with the two briefs ; nos. 8-10 touch Menezes' rights as metropolitan ; nos. 1, 2 and 11 refer to both the titles.

So far we have been exclusively studying the convocatory letter and the inaugural address. But in the acts of the Synod also we find references from which we can deduce in what capacity Menezes celebrated the Synod. In almost all the places where the name of Menezes had to be mentioned, he is simply styled ' the Metropolitan '. In some places he is more explicitly called ' the Metropolitan of this Church ' ([16]). In one instance he dispenses the clerics from irregularity incurred by contracting matrimony " by the ordinary as well as apostolic authority he has in this Church " ([17]) ; ' ordinary ', would refer to his capacity as Metropolitan of the vacant diocese, and ' apostolic ' to the two briefs.

Before closing, let us quote from Gouvea, the historian of Menezes' travels and deeds, a passage worded more or less the same as the minutes of the inaugural address cited above, except that instead of two briefs, only one, the second one, is mentioned : " Next he said that he was conducting the Synod by virtue of a brief of the Holy Father Clement VIII which entrusted him with that Church on the death of the Archbishop Mar Abraham ; the brief was then read and translated into Malayalam. Besides, he was also Metropolitan and Primate of all the East, and as such was entitled to see to the spiritual needs of vacant sees,

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([16]) GOUVEA, *Synodo Diocesano*, f. 29v, decreto nono.

([17]) *Ibid.*, f. 39v, decreto decimo septimo : " pella autoridade ordinaria & apostolica que tem nesta Igreja ".

which had no Chapter to govern them, such as the present one " (18).

It is true that in the title given to the publication of the acts of the Synod by Gouvea, we read : " Diocesan Synod ..... conducted by the Most Rev. Lord Dom Frey Alexis de Menezes ... Archbishop Metropolitan of Goa ..... during the vacancy of the said bishopric, by virtue of two briefs " (19). Here explicitly only the two briefs are mentioned. But in the title of a book one should not expect to find a detailed or adequate description of the claims.

We can conclude that Menezes convoked the Diocesan Synod of Diamper with two distinct titles, each adequate in itself : the two briefs of Pope Clement VIII, and his capacity as metropolitan of a vacant suffragan diocese devoid of Cathedral Chapter. By both these titles the entire government of the Angamali Church had devolved on him and consequently the faculty to celebrate the Diocesan Synod was vested in him.

Now we shall inquire into each of these two claims.

Art. 2 Menezes' title as Metropolitan of the Church of Angamali to convoke the Synod of Diamper

The title of Metropolitan of the see of Angamali claimed by the Archbishop of Goa will be dealt with first. Was Menezes the Metropolitan of Angamali at the time of the celebration of the Synod of Diamper ? Even granting that he was, for argument's sake, could he have, in virtue of that title, convoked a diocesan synod and exercised other offices of episcopal jurisdic-

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(18) Gouvea, *Jornada*, f. 64v : " Logo disse que elle celebrava aquelle synodo por authoridade de hum breve do Santo Padre Clemente Oytavo, em que lhe encomendava aquella Igreja por morte do Arcebispo Mar Abraham, que logo foy lido, & declarado em lingoa Malavar, alem delle ser Metropolitano Primàz de todo Oriente & como tal lhe convinha acodir às necessidades spirituaes de todas as Igrejas delle sede vagante de seus prelados, nam tendo capitulo que as gouvernasse, como aquella nam tinha. ".

(19) Gouvea, *Synodo Diocesano*, front page : " Synodo Diocesano ... celebrado pello Reverendissimo Senhor Dom Frey Aleixo de Menezes Arcebispo Metropolitano de Goa, ... sede vagante do dito Bispado por authoridade de dous Breves ". The same is found also in ARSI, *Fondo Gesuitico*, n. 721, VI, 1.

tion, as he actually did in Malabar ? These are the two main divisions of the question before us.

§ 1 *Was Menezes the Metropolitan of Angamali ?*

It can be shown without much difficulty that Menezes had no metropolitan rights over the Church of Angamali at the time of the convocation and celebration of the Synod of Diamper. The very fact that it was reduced to a suffragan Church subject to Goa only after the said Synod, is itself eloquent proof that it was not such before. But if we want to know the full import of the question, we have to dig into the history of a few decades of the relations of these two Churches. That the subjection of the Angamali Church to Goa was a major issue in the mind of Menezes, he himself would testify, as he does, in a letter written to Fabio Biondi, two years before the Synod [20]. And perhaps, we shall not be very far from the truth in supposing that one of his main reasons for conducting the Synod itself was to secure the subjection of the Church of Angamali to Goa [21]. Hence, we shall very briefly trace from a juridical point of view the relations between the Church of Goa and Angamali.

Before the Portuguese came to India the Malabar Church

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[20] ASV, *Nunziat. Portugal.*, VI, f. 340-41. It is a translation in Italian from the Portuguese original. It has been published in *SBPP*, p. 12-13 & BELTRAMI, *op. cit.*, p. 121-3. But in neither place is the letter given in its entirety ; the introductory and concluding parts are left out in both these editions. The part referring to our matter, which is in the portion already published, is as follows : " Et avverto V. S. Illma. che se ancora non è fatto vescovo di questa chiesa saria cosa di molta importanza esser alcuno della Compagnia del Gesù, per andare li padri già per quella christianità, et similmente se gli deve dar ordine, che vada a poco a poco estinguendo la lingua soriana, la quale non è naturale, et li suoi sacerdoti l'imparano come la latina ... et sopratutto importa ch'il vescovo sia suffraganeo di questa città, stando appresso al vescovato di Cochim, ch'è il più vicino suffraganeo ... ". Fabio Biondi was the titular Patriarch of Jerusalem and was then residing in Rome. Formerly he had been the papal Vice-Legate in Lisbon and it was from his hands that Menezes received the episcopal consecration, as avowed at the commencement of the same letter. This part of the letter has not yet been published.

[21] Otherwise one cannot easily understand why, even after the nomination of Ros to the see of Angamali, the Malabar Church was placed under the metropolitan jurisdiction of Goa, and why Ros had to struggle so long to get the ancient status of Angamali restored. See also note 50.

held the title of 'Metropolitan of all India' (22). At first the relations of the Portuguese missionaries and the Syrians (as the St. Thomas Christians are often called, to distinguish them from the faithful of the Latin rite) were very cordial (23). For, in the beginning there were no conflicting interests. Till 1534 there were no episcopal seats in India except those of the Syro-Malabar Church. But with the establishment of the Latin dioceses in India, conflicting interests slowly began to appear and colour the mutual relations of the Portuguese and the St. Thomas Christians. There were two opposing currents: on the one side, the more and more definitive establishment of the Portuguese patronage over India, and on the other, the final ratification of the union of the Chaldean Church with Rome and her move to get official recognition from Rome for her claims over the Syro-Malabar Church in India. In 1534 Goa was separated from, and erected as a suffragan diocese of, Funchal, which had till then jurisdiction over all the places that the Portuguese should explore either in the West or in the East. Its territory extended from the Cape of Good Hope to India and China including the adjacent islands (24). On February 4 1558, Goa was raised to an archbishopric with metropolitan rights over Cochin and Malacca which were dismembered from Goa and constituted as suffragan dioceses the very same day (25). The diocese of Cochin was coextensive with the diocese of Angamali and it was a question of only a few miles from the port of Cochin to the most important

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(22) GOUVEA, *Jornada*, f. 5v. Even later on, when by force of circumstances the Malabar Church was shorn of her ancient status, the representatives of her Church still used in official documents titles reflecting her past dignity. Thus the Archdeacon even after all the humiliations of the Diamper Synod in a letter addressed to Pope Clement VIII, styles himself عبدنا وعينه (Governor or Administrator of India). ASV, *Fondo Borghese* III, vol. 92b, f. 362-63: ed. BELTRAMI, *op. cit.*, p. 253. Archbishop Stephen de Britto, who followed Ros, retained the title *Aru du Endo* (Archbishop of India). T. K. JOSEPH, *Some paper manuscripts in Vatteluth*, in *The K. V. Rangaswami Ayyangar Commemoration Volume*, Madras, 1940, p. 359-66. Similarly Mar Alexander (1663-87), styled himself the Metropolitan of all India: "Metropolita da koll Hendo", PAULINUS, *India Orientalis Christiana*, Rome, p. 263, monum. ad pag. 88.

(23) Cfr. SCHURHAMMER, *The Malabar Church and Rome during the early Portuguese period and before*, p. 1-24.

(24) *BPP*, vol. I, p. 148. See also *BPP*, vol. I, p. 170.

(25) *BPP*, vol. I, p. 191, 193, 196. Later on in 1575 Macau and in 1588 Japan were dismembered from Goa.

centres of the St. Thomas Christians. When the Portuguese were consolidating their positions on the west coast of India, Chaldean Patriarchs were also on the look out to protect their rights in India and wanted to get them ratified unequivocally by the Holy See. In the brief of Julius III (1553), confirming him as the Patriarch, Sulaka's jurisdiction over " monasteries of the same nation in Sin, Masin, and Calecuth and the whole of India " ([26]), is tacitly acknowledged. The same formula is found also in the bull of Julius III granting pallium to the Patriarch ([27]). Favoured with this recognition, Ebedjesus, who succeeded Sulaka after his tragic death, sent Mar Joseph and Mar Elias accompanied by Bishop Ambrose Buttigeg and Father Antoninus Zahara, two Maltese Dominicans to Malabar. They reached Goa towards the end of 1555 ([28]). Goa had not yet been raised to the status of an archbishopric. In spite of the letters of recommendation from Rome and of the presence of a Latin bishop, and a Dominican at that, commissioned by the Pope himself, the two Chaldean bishops were not allowed to pass into Malabar, but were detained first in Mozambique and then in a Franciscan convent at Bassein in Salsette. The attitude of the Portuguese of the time is fully reflected in a letter written to the King of Portugal on November 20, 1557, by Antony do Porto, the Franciscan Superior of the convent at Bassein where the two bishops were confined ([29]). There he says : " I counselled them to the best of my ability and showed them by reasons that it was not proper that they should go to Malabar and one of the reasons which I gave them and

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([26]) ASV, *Reg. Vat.*, n. 1793, f. 158-161v : ed. GIAMIL, *op. cit.*, p. 15-23. The passage in the original reads : " ... monasterium ejusdem nationis in Sin, Masin et Calecuth ac tota India extensivum ".

([27]) ASV, *Reg. Vat.*, n. 1794, f. 223-224v : ed. GIAMIL, *op. cit.*, p. 24-27.

([28]) See Ch. I, note 12, p. 6.

([29]) Tôrre do Tombo (Lisbon), *Corpo Cronologico*, 1-102-25 : ed. *BPP*, vol. II, p. 300-301 & BELTRAMI, *op. cit.*, p. 40-43. The passage cited reads in the original : " Eu os aconselhei ho melhor que pude e lhe amostrei por rezões que nom era bem que fossem ao Malavar, e huma das rezões foi dizerlhes que bem sabião elles que nenhum bispo podia entrar no bispado do outro pera entender com suas ovelhas, *e que o bispo de Guoa era bispo de Mallavar e de toda a India* e de todas estas partes orientaes da conquista de V. A., e que ninguem sem sua licença se podia entremeter em os christãos das ditas partes, e que os que hião a menistrar aos christãos do Mallavar os sacramentos sem licença do bispo de Guoa que erão ladrões que não entravão polla porta em ho corral das ovelhas ... ". Italics ours.

which they understood well was that no bishop should enter the diocese of another to deal with the flocks ; and that the Bishop of Goa was the Bishop of Malabar as well as of the whole of India ([30]), and of all these oriental conquests of Your Majesty ; and that no one could, without his leave, interfere in the affairs of the Christians of the said parts ; and that those who went to minister the sacraments to the Christians of Malabar without the leave of the Bishop of Goa were thieves who do not enter the sheepfold by the gate ". The same expressions were repeated time and again till the conduct of the Diamper Synod and it was this Portuguese mentality that persisted and prevailed in all subsequent dealings with the Malabar Church. To some extent an attitude of vigilance was justifiable and necessary, since there were two lines of succession in the Chaldean Patriarchate, one orthodox and the other schismatic, and since nobody would know which line a newly arrived Chaldean bishop represented. Actually at the time of the arrival of Mar Joseph and Elias, another Chaldean bishop ([31]), most probably from the rival schismatic line, was working in Malabar, under the pretence that he was sent by the Pope. But that the Portuguese attitude of vigilance was influenced more by political reasons than by considerations of orthodoxy is amply proved by the long detention of Mar Joseph and Elias, accompanied by Mgr. Buttigeg and Zahara. Because of the opposition encountered by the bishops sent by him, Patriarch Ebedjesus wished to have more efficient protection for his rights from Rome. When he was in Rome (1560-61) ([32]), to make his profession of faith, he expressly included in his declaration, as pertaining to his jurisdiction, " in India under the Portuguese dominion, the Metropolitan sees of Cuscim, Canonor and Goa and the diocese of Calicuth to which is subject Caronongol, which is in the possession of idolators and pagans " ([33]). Although Ebedjesus did not remain for the Council

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([30]) This shows that on November 20, 1557, Antonio do Porto did not yet know that Goa had been made an archbishopric on February 4, 1557 and Cochin constituted as its suffragan diocese. (He also did not know of the death of John III, King of Portugal, which had taken place on June 11, 1557. See BELTRAMI, *op. cit.*, p. 40 note 9).

([31]) See ch. I, note 15, for more information about this Chaldean bishop.

([32]) BELTRAMI, *op. cit.*, p. 61.

([33]) GIAMIL, *op. cit.*, p. 65 : " In India vero lusitanis subjecta, Cuscim Metropolis, Canonor Metropolis, Goa Metropolis, Calicuth Episcopatus cui subest Caronongol civitas, quae adhuc ab Idolatris et Ethnicis hominibus

of Trent, the above-mentioned letter with an introductory letter from Card. Amuluis was presented in the Council. When it was read, the Portuguese representative rose up and protested. He repudiated the claims of the Patriarch and emphatically asserted the right of the Archbishop of Goa over the whole of India and wanted nothing prejudicial to it to be enacted in the Council ([34]). With regard to this claim and protest it should be remarked that Ebedjesus was ill-informed and had badly formulated his righths. At that time there were, as we have seen, an archbishopric in Goa and a bishopric in Cochin ; but both these were established under the Portuguese patronage. The Syro-Malabarians over whom the Patriarch could claim control were to be found at that time in Cananor, Cochin, Calicut and Caronogol (Codungalore or Cranganore) ; but they had at that time no archbishopric or bishopric in any of these centres except Cranganore ([35]). The Council decided nothing abouth this dispute and let things drift ([36]). But this state of affairs did not last long ; the issues were cleared up soon. In 1563 Mar Joseph had been deported to Lisbon, but he came back after some time with recommendatory letters from the Pope, although these did not help him to stay in Malabar for long. Meanwhile Mar Abra-

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possidetur ". See also *Concilium Tridentinum* (Societas Goerresiana), vol. VIII, p. 957, line 1sq. and p. 958, line 6sq.

([34]) *Concilium Tridentinum* (Societas Goerresiana), vol. VIII, p. 959, line 20sq. : " Deinde Ill. Dominus Orator Serenissimi Domini Regis Portugalliae exhibuit mihi secretario praefato legendam infrascriptam protestationem videlicit : Protestatio Oratoris Regis Portugalliae contra ea quae in professione fidei Patriarchae Assyriorum continentur. Cum in supra scripta professione fidei et obedientia praefati Patriarchae Assyriorum ipse Patriarcha asserat se habere sub se infrascriptas ecclesias, videlict : Cuscim, Cananor, Goa, Calicut, et Coronogol, quae sunt sub dominio et ditione Serenissimi Portugalliae Regis, Ill.mus D. Orator dicti Serenissimi Regis eas ipsas Ecclesias hic nominatas dicit et protestatur nullum Patriarcham in superiorem recognoscere, sed tantum subesse R. D. Archiepiscopo Goensi, qui totius Indiae est primas, nec ex his dicto Archiepiscopo Goensi aut episcopis in dictis partibus constitutis aut constituendis aliquod praejudicium generari unquam possit. Hanc vero protestationem in actis hujus sessionis redigi postulat ".

([35]) At that time there seems to have been only Mar Joseph. He might have had his seat at Cranganore. See ch. II, note 5 & 6.

([36]) E. Tisserant observes in this connection : " Le Portugal entendait se reserver le contrôle de tout ce qui se passait aux Indes et le pape qui avait besoin du concours de ce pays pour assurer le succès du concile, désirait éviter tout conflit ". *DTC*, vol. XIV, col. 3103.

ham had come to Malabar in secret. He was arrested by the Portuguese and after various changes of fortune, on arriving at Rome, succeeded in gaining favour with the Pope. Fresh letters of recommendation were given to Mar Abraham and these are of very special interest to us. Dated the last day of February 1565, one of the briefs of Pius IV was addressed to the Bishop of Cochin, where, among other things, the Pope clearly says that the Bishop of Cochin should not in any way hinder Mar Abraham in the administration of the diocese assigned to him by his Patriarch ([37]). In the same tenor, and perhaps a little more emphatic, is the letter to the Archbishop of Goa, where the Pope says that he wants, at all costs, the jurisdiction of the Patriarch over Malabar to be religiously respected; and that to act otherwise, would be detrimental even to the Holy See ([38]). Thus in clear terms and beyond any shadow of doubt the independence of the Church of the St. Thomas Christians from Portuguese rule was settled by the Pope. But this decision came to nothing owing to the same old policy being pursued by the Portuguese hierarchy.

In 1575 the Second Provincial Council of Goa was conducted. Letters of invitation were sent to the Bishops of Cochin and Ma-

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([37]) ASV, AA. Arm. I-XVIII, n. 1820 : ed. GIAMIL, *op. cit.*, p. 73 : " Hoc Fraternitatem tuam scire volumus, ut intelligas propter communionem Sedis Apostolicae quam obtinet, et Patriarchae sui, respectu complectendum eum esse abs te caritate fraterna et perseverantem in hujus Sanctae Sedis devotione ac fide, sic ut perseveraturum esse speramus, ab omni esse injuria defendendum, ut tuo, sicut confidit, patrocinio tectus, sine ulla molestia, et impedimento residere, ubi suus eum Patriarcha locaverit, ac commissum sibi munus exequi ... Nos enim eam dioecesim, quam suus illi Patriarcha assignaverit, obtinere eum sine ullo impedimento cupimus et volumus ".

([38]) ASV, AA. Arm. I-XVIII, n. 1820 : ed. GIAMIL, *op. cit.*, p. 71-2 : " Et quia Patriarcham ejus hortati sumus ut dioecesim illam ad se in istis partibus pertinentem, quae dioecesim Cocchinensem attingit, inter ipsum et quemdam alterum dividat, locumque utrique proprium in quo resideant assignet, ut suum uterque eorum gregem agnoscat neque alter alterum in suo munere impediat, Fraternitatem tuam hortamur ut id quod ipse Patriarcha de utrisque statuerit servari omnino, et ad effectum adduci curet, nostra etiam auctoritate apud dilectum filium nobilem virum Proregem, si opus fuerit, interponenda ... In quo Sedi quoque huic Sanctae iniuria fieret et nobis qui ipsum Patriarcham ... in fidem nostram et Sedis Apostolicae recepimus, eamque ob causam, iurisdictionem ei suam salvam et inviolatam manere aequum esse censemus et volumus ". Mar Joseph is the other bishop mentioned here.

lacca and also to Mar Abraham to attend it (39). Mar Abraham, however, did not go to the Council, and sent his reasons to the Pope through the good offices of the King of Cochin and the Jesuits (40). All the same, in his absence, the Provincial Council of Goa made recommendations concerning the Church of Angamali. The first decree of the third session of the Council says that it is opportune that the Portuguese patronage be established over the Church of the St. Thomas Christians in Malabar and recommends to the Pope that Mar Abraham be obliged to attend the provincial councils conducted regularly at Goa (41). The Pope, partly complying with the wish of the Provincial Council, wrote to Mar Abraham to be present at the provincial councils of Goa, while clearly alluding in the letter to his independence of the Archbishop of Goa ; this measure having been taken only because Mar Abraham could not conveniently be present at any other provincial council (42). At the same time the Pope wrote to the Archbishop of Goa asking him to show all respect and regard to Mar Abraham (43). Complying with the Pope's desire, Mar Abraham went to the Third Provincial Council of Goa. But in the acts of the Third Provincial Council, together with indications of Mar Abraham's independence of the Portuguese hierarchy, there are also expressions which seem to compromise it. In the convocatory letter as well as in the introductory formula, Mar Abraham, together with the Bishops of Cochin and Malacca, is accounted a ' comprovincial bishop ' (44). Mar Abraham is also said to have accepted the provisions made regarding the Malabar Church in his absence by the Second Provincial Council of

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(39) *BPP.* vol. II, p. 40.

(40) *Ibid.*, p. 221-3.

(41) *Ibid.*, p. 51. The passage is as follows : " Para bem da christandade do Apostolo S. Thomé que está na Serra de Malavar, convinha que fosse governado aquelle bispado por prelado apresentado por el rey de Portugal, e não pelo Patriarcha de Caldea, para que mais facilmente se tirasse aquella christandade de muitos abusos, que tem ; ao menos pede o Concilio a S. Santidade, que o arcebispo de Angamale que governa os ditos christãos, pois não tem bishops suffraganeos nem vay, nem pode ir facilmente a Caldea pela muita distança, que elle venha, e seja obrigado a vir ao Concilio desta provincia, e guardar e fazer guardar os decretos delle conforme ao Concilio Tridentino, pois he tanto nosso visinho, e por esta via terá aquella Christandade grande remedio ".

(42) See ch. II, note 15 p. 40.

(43) *BPP*, vol. II, p. 226.

(44) ' bispos compronvinciaes ' : *BPPA*, t. I, p. 60-62.

Goa (45). Besides, other important decisions concerning new Chaldean bishops coming to govern the St. Thomas Christians were taken. The ninth decree of the third session commissions the Archbishop of Goa to examine the credentials of all Chaldean bishops before they are admitted to govern the St. Thomas Christians (46). In the Second Provincial Council the Portuguese Hierarchy had recommended to the Holy See that the right of the Chaldean Patriarch over the Churches of Malabar be entirely done away with. The tone of the Third Provincial Council, however, is more restrained ; the right of the Chaldean Patriarch to nominate bishops for Malabar, is not only not disputed, but is even tacitly admitted, provided he be in obedience to and in communion with the Holy See. It is difficult to suppose that Mar Abraham knowingly and willingly acceded to all these conditions (47).

But confusion had already set in. Slowly the view prevailed, not without occasional hesitation, that perhaps the Archbishop of Goa was the Metropolitan of Angamali as well. The absence of active relations between Rome and the Patriarch of Chaldea, such as had existed during the time of Sulaka and Ebedjesus also contributed to the clouding of issues ; so much so, that later on in the communications which reached Rome, Mar Abraham was numbered among the suffragan bishops of Goa.

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(45) *Ibid.*, p. 74-75.

(46) *Ibid.*, p. 76. The text reads : " E porque, como diz o Senhor em seu Sancto evangelho : " qui non intrat per ostium in ovile, sed ascendit aliunde, hic fur est et latro ", e áquella Igreja, e christandade tenhão vindo de Caldea algumas pessoas, que nella se introduzirão por bispos sem o serem, como depois na verdade constou, e cauzarão nella scisma, e trabalhos, e para o futuro pode acontecer o mesmo ; por tanto pareceo ao Concilio que daquy por diante não fosse algum recebido por bispo, ou prelado catholico e approvado, sem primeiro appresentar letras disso ao arcebispo de Goa, como primás, que he da India, e partes Orientaes as quaes letras são de Sua Santidade ou de seu Patriarcha que seja Catholico, e tenha dado obediencia à Igreja Romana, e esteja approvado por ella, como já fez o arcebispo D. Mar Abraham, quando veyo provido do arcebispado de Angamale pelo Papa Pio IV de feliz memoria, e não apresentando as letras, seja havido por intruso, e como tal seja tirado daquella Igreja e pede o Concilio humildemente a S. Santidade assim o haja por bem, e mande ao Patriarcha de Caldea, a quem isto pertencer, que assim o ordene, pelo muito que isso importa ao bem daquella christandade e da Sancta Igreja Romana ".

(47) Cfr. GOUVEA, *Jornada*, f. 9.

In the report from Fabio Biondi to Cardinal Aldobrandini in Rome, concerning Menezes, when he was announced Archbishop-elect of Goa, it is said that the Archbishop of Goa has four suffragan bishops, namely, those of Cochin, Malacca, Macao and Japan, besides another Armenian or Chaldean who is styled the Archbishop of the Christians of St. Thomas ([48]). More or less in identical terms there is yet another report preserved in the Vatican Archives concerning the state of the Archbishopric of Goa ([49]). Naturally this tendentious news must have originated from Goa itself.

Now let us pass on to examine what Menezes himself thought about the question of Goa's juridical status vis-à-vis the Church of Angamali. We have seen the claims put forward by Menezes for the convocation of the Synod of Diamper, one of which was his status as Metropolitan of the Church of Angamali. Now did he consistently hold this position throughout his dealings with the Christians of St. Thomas ? We find him now implicitly admitting the independence of the Church of Angamali and at the next moment acting as if it were his suffragan. In the letter he wrote in 1597 to Fabio Biondi, two years before the Synod of Diamper, we read : " What is of more concern than anything else is that the Bishop of Angamali should be a suffragan of this city, as it is close to the bishopric of Cochin, which is the nearest suffragan " ([50]). From this, one would suppose that Menezes was contemplating a new move to bring the bishop to be appointed for Angamali, under his metropolitan jurisdiction, thus implicitly admitting that so far the Church of Angamali had not been a suffragan. But succeeding events do not tally with this supposition. Before coming personally to Malabar, Menezes wanted the Archdeacon to accept him as his Metropolitan, which the Archdeacon, according to Gouvea, evaded with subterfuges ([51]). This, it must be remembered, happened not long after the above-mentioned letter

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([48]) ASV, *Fondo Gonfalonieri*, vol. 30, f. 53 : " Quatuor habet Archiepiscopus suffraganeos episcopos, Cochinensem, Malacensem, Machaoensem in regione Sinarum et Japaonium. Alium etiam habet Armenum vel Chaldeum ex Christianorum oppido quod vocatur Sancti Thomae, qui ut aiunt, archiepiscopus nuncupatur ".

([49]) ASV, *Fondo Gonfalonieri*, vol. 31, f. 373.

([50]) ASV, *Nunziat. Portugal.*, f. 340-41 : ed. *SBPP*, p. 12-13 & BELTRAMI, *op. cit.*, p. 121-22. The Italian original reads : " ... sopra tutto importa che il vescovo sia suffraganeo di questa città stando appresso il vescovato di Cochin, ch'è il più vicino suffraganeo ".

([51]) GOUVEA, *Jornada*, f. 14.

of Menezes to Fabio Biondi. Even after his arrival in Malabar, he was not accepted by the Archdeacon as the Metropolitan, and to keep the peace, the Archbishop was obliged to sign a declaration saying that he would not exercise any jurisdiction or confer Holy Orders and would pass for a guest-bishop, in exchange for a promise on the part of the Archdeacon to celebrate the proposed diocesan synod by a fixed date ([52]). But as the time fixed was over, and the Archdeacon showed no signs of acceding to his intentions, Menezes considered the conditions no more binding on him, and proceeded to exercise jurisdiction in Malabar. The Archdeacon protested saying that the principal thing to be discussed in the proposed Synod was whether Menezes had to be obeyed or not ([53]). But the Archdeacon could not resist long. Finally the Synod of Diamper was conducted, and Menezes figures repeatedly in the decrees with the title of 'the Metropolitan'.

The story does not end with the Synod. A few months after it, Ros was nominated to the see of Angamali which was now reduced to the status of a bishopric and made subject to the Metropolitan of Goa ([54]). By another brief dated August 4, 1600, the patronage of the King of Portugal was established over it ([55]). Ros had much difficulty in disclosing this news to the people ([56]). But once it became known, they and the clergy sent petition after petition to Rome with the active co-operation of Ros and the Jesuits of Vaipicotta; and finally after many years of continued supplication in 1608 the ancient title of Arch-

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([52]) *Ibid.*, f. 35.

([53]) *Ibid.*, f. 38.

([54]) BELTRAMI, *op. cit.*, p. 133.

([55]) *Ibid.* Part of the brief (*Ibid.*, note 104) reads: "Cum itaque nos nuper in Ecclesia Angamalensi ... nec non sedem, dignitatem, superioritatem et praeeminentiam archiepiscopales, universumque jus metropoliticum de Fratrum Nostrorum consilio per alias nostras litteras perpetuo suppresserimus et extinxerimus; ipsamque ecclesiam ad statum simplicis Cathedralis ecclesiae pro uno episcopo futuro suffraganeo archiepiscopi Goani pro tempore existentis reduxerimus, ac ecclesiae Goanae metropolitico jure subjecerimus prout in dictis litteris plenius continetur ...".

([56]) The people were complaining; "Nossa Igreja não he fundada por hum apostolo? Não he mais antigua de todas as da India? A Igreja Romana porque causa nos tirou isto? Bem sabemos que o Arcebispo de Goa nos fez tudo isto. Pois como pode elle ser Primaas se nossa Igreja he mais antigua?" (From a letter written by Ros to Aquaviva, General of the Society, on December 8, 1601. ARSI, *Goa-Mal.* 15, f. 54-55).

bishopric was restored to them and they were relieved from the metropolitan rights of Goa. In the bull the ancient pre-eminence and independence of the Church are clearly expressed. The metropolitan dignity with all its privileges and rights is not only restored by this bull, but the Pope wants the Church of Angamali to be considered as never having lost its pre-eminence, as if the former decree had never been issued ([57]).

From what we have mentioned above, it is clear and beyond any possibility of doubt that the Archbishop of Goa was not the Metropolitan of Angamali at the time of the Synod of Diamper. How then to explain the attitude of Menezes ? It might have been partly due to the over-assertiveness of the Portuguese mentality of the time ; and partly, perhaps, to Menezes' having thought that by the two briefs he had received from Pope Clement VIII, he had become temporarily the Metropolitan of the Church of Angamali as well as its lawful prelate ([58]). This supposition also would not be out of keeping with the behaviour of the Archbishop in attempting to bring the Church of Angamali permanently under Goa. But then, it would follow that the two titles which he so emphatically claimed for convoking the Synod and adduced in the convocatory letter, inagural address and other places, were neither independent of each other nor adequate. Again we are thrown back on a situation where it is not possible to save Menezes from the charge of inconsistency in his dealings with the St. Thomas Christians. It is, however, to be noted that the view that Menezes was Metropolitan was shared also by Fr. Pimenta, who in a letter written not long after the Synod to the General of the Society in Rome speaks of Menezes as

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([57]) Arch. Brev. Apost., vol. 612, f. 149-50 : ed. *BPPA*, vol. II, p. 8-9 & BELTRAMI, *op. cit.*, p. 135. Part of the brief reads : " Cum autem sicut accepimus, suppressio, extinctio, reductio et subjectio hujusmodi perturbationem in dilectis filiis clero et popolo civitatis Angamalensis introduxerint, nos ... pro nostro pastoralis officii debito providere volentes ... in dicta ecclesia Angamalensi nomen et titulum archiepiscopalis et metropolitanae ecclesiae nec non sedem, dignitatem et preheminentiam archiepiscopales universumque jus metropoliticum ... perpetuo restituimus ... perinde ac si suppressio et litterae predictae numquam emanassent, ipsamque ecclesiam Angamalensem ad statum et existentiam archiepiscopalis et metropolitanae ecclesiae prout antea erat reducimus, et ab omni suffraganeatu superioritate et metropolitico jure ecclesiae Goanae illiusque archiepiscopi eisdem auctoritate et tenore etiam perpetuo eximimus et liberamus ".

([58]) See GOUVEA, *Jornada*, f. 14v.

Metropolitan of the Church of Angamali ([59]). This shows that the confusion with regard to the right of the Archbishop of Goa over Malabar prevailed, to some extent at least, also at the Jesuit residence at Vaipicotta.

§ 2 *Could Menezes, even if he were the Metropolitan or Angamali, have legitimately conducted the Synod of Diamper in virtue of that title?*

We have seen that Menezes was not the Metropolitan of the Church of Angamali at the time of the Synod of Diamper. To realise how unsound his claims were, we shall grant for argument's sake that Menezes was the lawful Metropolitan of the St. Thomas Christians, and ask whether, in virtue of that title, he could have convoked the Synod in their midst.

Menezes' line of argument for legitimizing the convocation of the Synod was that, in the absence of Cathedral Chapter in a suffragan diocese, the whole administration of the diocese, devolved on the metropolitan ; and as such he could legitimately convoke a diocesan synod in the suffragan see. Here there are two points we have to consider. First, what are the circumstances in which a metropolitan can take up the administration of a vacant suffragan diocese ; and secondly, what is the extent of the authority of the metropolitan in case he is entitled to do so.

Could Menezes, by the very fact that there was no Cathedral Chapter in Angamali, have interfered in its administration ? The Council of Trent, Session XXIIII, *de Reformatione*, c. 16 provides that when a see falls vacant, the Cathedral Chapter should elect within the space of 8 days, a vicar who has the requisite qualities. If this is not done (*si secus factum fuerit*), then the right of nominating a vicar capitular devolves on the metropolitan ([60]).

([59]) See note 127, p. 91.

([60]) *Concilium Tridentinum* (Soc. Goerresiana), vol. IX, p. 985, line 33 sq. : " Capitulum, sede vacante, ubi fructuum percipiendorum ei munus incumbit, oeconomum unum vel plures fideles ac diligentes decernat, qui rerum ecclesiasticarum et proventuum curam gerant, quorum rationem ei, ad quem pertinebit, sint reddituri. Item officialem seu Vicarium infra octo dies post mortem episcopi constituere, vel existentem confirmare teneatur ; qui saltem in jure canonico sit doctor vel licentiatus vel alias quantum fieri poterit idoneus ; si secus factum fuerit, ad metropolitanum deputatio hujusmodi devolvatur et, si ecclesia ipsa metropolitana fuerit aut exempta

The rule does not explicitly contemplate a situation with no Cathedral Chapter in a vacant suffragan diocese. But authors who treat about the question extend the provision of the Council, also to dioceses devoid of Chapter. Thus Bouix says that in the absence of Cathedral Chapter the right of nomination passes on to the metropolitan (61). Benedict XIV writes that the prescription of the Council applies to the absence of a Cathedral Chapter as well as to its negligence to nominate a vicar capitular (62). More clear and to the point is Card. Petra who says that the Council of Trent does not restrict the mode of provision to cases of neglect on the part of Cathedral Chapter; in the expression '*et si secus factum fuerit*' is included also the hypothesis of non-existence of Chapter (63). From all this it follows that according to the Council of Trent the appointment of an administrator for a vacant suffragan diocese without Cathedral Chapter devolves on the metropolitan.

But was this decision of the Council of Trent so universally applicable as to affect also the Oriental Churches, to which group

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capitulumque (ut praefertur) negligens fuerit, tum antiquior episcopus ex suffraganeis in metropolitana, et propinquior episcopus in exempta, occonomun et vicarium idoneos possit constituere ".

(61) BOUIX DOMINICUS, *Institutiones Juris Canonici in varios tractatus divisae*, t. I, Paris, 1859, p. 476-7. Our passage reads: " quando in aliqua dioecesi nullum exstat cathedrale capitulum, et Episcopus fuit depositus, vel alio modo sedes vacat, jurisdictio transit ad Metropolitanum ".

(62) BENEDICTUS XIV, *De Synodo Dioecesana*, II, ix, II. Our passage reads: " Quod si in vicario, intra octo dies eligendo, negligens fuerit, tunc si agatur de Ecclesia suffraganea, ad Metropolitanum; si de ipsa Ecclesia Metropolitana, ad antiquiorem ex suffraganeis; de Ecclesia exempta, ad propinquiorem Episcopum, pro ea vice, electionem vicarii pertinere, voluit idem Tridentinum *cit. loc.* Idemque juris est, si Ecclesia vacans careat capitulo ".

(63) PETRA VINCENTIUS, *Commentaria ad Romanorum Pontificum Constitutiones*, t. I, ad const. 2 Leonis IX, sect. 5, n. 36 says: " Nec obstat quod Concilium supponat devolvi jus ad Metropolitanum quatenus capitulum non eligat et non quatenus non adsit, quia Concilium providere voluit Ecclesiae vacanti, et sic quotiescumque non possit provideri de vicario per Capitulum, vel non existens vel negligens, suppleri voluit per Metropolitanum; ibi " et si secus factum fuerit " hoc est, si non fuerit electus, quod verificatur in utroque casu ". The author then cites a declaration of the Sacred Congregation of the Council given on August 28, 1683 regarding a case of the Church in Ireland.: " An vacante suffraganea Ecclesia quae capitulo careat, illius administratio et vicarii deputatio pertineat ad Metropolitanum ? ... S. Congr. die praedicta respondit ... Affirmative ".

the Church of the St. Thomas Christians belong? Apart from other considerations, a Cathedral Chapter is unheard of in Oriental Churches, and this makes it ridiculous to think that a provision for government of vacant dioceses depending on the Chapter could be prescribed for Orientals by the Council. In the Malabar Church it was always the Archdeacon who governed the diocese during its vacancy. The Cathedral Chapter was unknown and unheard of among the St. Thomas Christians. Although the Latin influence was being increasingly felt in many spheres of canonical legislation long before the Diamper Synod, owing to the persistent Latinizing policy of the Portuguese missionaries, there is absolutely no trace of a Cathedral Chapter functioning or even being planned before the Synod of Diamper. It was under Menezes' inspiration, that soon after the Synod of Diamper, such an institution was set up in Malabar (64). But it was short-lived, and when Ros lay dying nearly twenty years later, he entrusted the government of the Church to the Archdeacon according to the ancient tradition of the Church (65). Moreover, in the present case, Mar Abraham who had faculties from his Patriarch had entrusted the Archdeacon, the Fathers at Vaipicotta consenting, with the government of the Church after his death (66). Thus when the Archbishop died, the government of the Church duly devolved on the Archdeacon, and Menezes even if he were the

(64) The first mention of a Cathedral Chapter functioning in the St. Thomas Christian Church is in a letter to the Pope written from Angamali on December 20, 1601. It is signed by the Archdeacon and some priests, and at the end is added in Syriac characters: ܚܒܝܒ ܚܒܝܬ ܡܝܥܡ ܡܫܡܫܢܝ ܣܕܩܐ ܘܣܦܣܐ ܐܠܝܥܕܐ and in Latin "Servi Servorum Sanctitatis apostolatus vestri Capitulum Sedis Angamaliensis". ASV, *Fondo Borghese*, IV, vol. 233, f. 34v: ed. BELTRAMI, *op. cit.*, p. 266-67. Similarly there is another letter signed by the Archdeacon and some priests (some names are different from those of the previous one), dated December 13, 1602, addressed to the Congregation of Cardinals. We find there at the end in the unmistakable hand of Ros: "Capituli Angamaliensis". ARSI, *Goa-Mal.* 15, f. 110v. There is yet another reference in the introductory letter of the statutes of the Angamali diocese made in 1606. Vatican Library, *Borgiano Indiano*, n. 18, f. 1: *Bahumānapetta Nammude Arcdiāconum Amisakārarum*". (Our Reverend Archdeacon and Dignitaries. We do not know exactly how long the Chapter lasted in the Malabar Church. In all probability it had ceased to function before the death of Ros in 1624. See the following note.

(65) ARSI, *Goa-Mal.* 18, f. 75.

(66) ARSI, *Goa-Mal.* 14, f. 310-11: Letter of George de Castro to Aquaviva dated December 31, 1595.

Metropolitan of Angamali, had no right to interfere in the ordinary administration of that diocese.

It might be said that having conceded metropolitan rights to Menezes, we should consequently grant him also the faculties of a metropolitan of the Latin Church, even though he would exercise them over an Oriental diocese. It is true that a Latin metropolitan has for his norm the Latin legislation. But nevertheless, in his relations with an Oriental Church, he is obliged to respect the more important traditions of that Church, and to interpret his rights analogously, not mechanically. Thus, for example, in our case, a Latin metropolitan, although entitled to nominate a vicar capitular in a suffragan Latin diocese without a Cathedral Chapter, is obliged, when he exercises his office in an Oriental diocese, where a Cathedral Chapter is a thing unheard of, to see whether there is any other institution analogous to the Chapter to govern the vacant diocese. And only when such an institution is lacking, should he nominate an administrator or vicar apostolic.

Menezes' interference as metropolitan should be considered illegitimate not only because Angamali was an Oriental Church, and as such with its different traditions did not come under the provision of the Council of Trent, but it would have been illegitimate even supposing that the prescription of the Council of Trent were as binding on the Church of the St. Thomas Christians as on a Latin diocese. The Council of Trent did not make an absolute ruling even for the Latin Church, that in all cases, without any exception and with no regard to former tradition, the appointing of a vicar capitular should devolve on the Cathedral Chapter and in its absence or negligence on the metropolitan. Benedict XIV gives other legitimate ways of providing for the administration of the diocese during vacancy. Among other things, he says, that the Council has in no way legislated against other legitimate modes of interim government of vacant dioceses, provided they are upheld by ancient and long-standing custom; and he gives as example the Archdeacon ' of Rogations ', as he was called ([67]), in the Church of Gerona, who administered the diocese during its vacancy ([68]). Thus, if an archdeacon or some

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([67]) The juridical status of an archdeacon in the Latin Church was not the same as that of the Archdeacon of the St. Thomas Christians. The Archdeacon in Malabar had much ampler faculties and a more important rôle.

([68]) Benedictus XIV, *De Synodo Dioecesana*, II, x, I : " Praeterea ubi

other diginitary can even supersede the claims of the Cathedral Chapter and assume administration of vacant dioceses, when such practice is backed by immemorial tradition, this is *a fortiori* true when his claims are compared with those of a metropolitan who, after all, steps in only when the Chapter is negligent or non-existent. Thus judging even by the Latin law, prescribed by the Council of Trent, Menezes as the Metropolitan of Angamali, could not have legitimately taken up the administration of the vacant diocese.

So far we have tried to answer the first question we set about to inquire into namely, whether, granting that Menezes was the legitimate Metropolitan of Angamali, he could have taken on himself the administration of the vacant diocese without its Cathedral Chapter. Now let us for a moment suppose that Menezes was entitled to do so. Could he have, even in that hypothesis, legitimately done all that he actually did in Malabar ? Does the whole administration without any reserve pass on to the metropolitan, as Menezes supposed ? Can he give Holy Orders and can he convoke a diocesan synod ? It is true that we sometimes come across in authors passages saying that during the vacancy of a suffragan see without Cathedral Chapter the administration passes on to the metropolitan ([69]). Such statements, however, must not be taken to mean that the whole administration of the vacant diocese passes on to the metropolitan, so that the metropolitan becomes the administrator till a new bishop is provided for the vacant see. They should be

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ex antiqua et immemorabili consuetudine inductum reperiatur, ut Ecclesiae vacantis administratio ad aliquem in certa ecclesiastica dignitate constitutum devolvatur, ut in Ecclesia Gerundensi contingit, cujus jurisdictio, episcopo defuncto, ad Archdiaconum majorem *de Rogationibus* nuncupatum, devolvitur ; antiqua hujusmodi consuetudo minime reprobatur, ut firmat Rota Romana, decis. 731 & 764 *coram Emerix Jun.* & decis. 132 *coram Benincasa* ". Card. Petra has a different view about the decisions of the Rota referred to by Benedict XIV. He says : " in quibusdam tamen ultimis decisionibus tantum dicitur, posse praescribi per Archidiaconum, vel aliam dignitatem contra capitulum jus administrandi sede vacante, concurrente quadregenaria tantum, etiam sine titulo, quia non resistit vehementer jus, sed potius permittit Archidiacono acquisitionem talis jurisdictionis ". Petra Vincentius, *Commentaria ad Romanorum Pontificum Constitutiones*, I, ad const. 2 Leonis IX, sect. 5, n. 36. Nevertheless he does not assert that such ancient and immemorial consuetudes have lost force.

([69]) For example, see Bouix Dominicus, *Institutiones Juris Canonici in varios tractatus divisae, De Episcopo*, t. I, p. 476.

taken in conjunction with other norms which these authors give to ascertain the rights and privileges of a metropolitan. All authors are agreed on one point, namely, that a metropolitan has no right or privilege in a suffragan diocese except those that are expressly granted him by law ([70]). This norm has held good at least for the period commencing with the Council of Trent, when, based on the *jus decretalium*, a metropolitan's rights and privileges were more definitely determined ([71]). Now nowhere is it expressly stated that a metropolitan can assume the full jurisdiction of a vacant suffragan diocese, in case of negligence on the part of the Cathedral Chapter to appoint a vicar capitular within the prescribed time limit, or in case of the absence of the Chapter itself. A metropolitan's right is strictly limited to the nomination of a vicar capitular to administer the vacant diocese until it is legitimately provided with a pastor. One fails to see how this right of nomination could be extended to include full administration of a diocese for an indefinite time. A metropolitan has the obligation to nominate a vicar capitular or administrator as early as possible. Till the nomination of the vicar capitular he looks after the day-to-day administration of the diocese. It is difficult to see, how, invoking this right, a metropolitan could interfere in major questions relative to the administration of the diocese. One such is certainly the ordaining of priests, when it is not a question of one or two, but of entire groups of thirty and fifty. With very much more reason, the convoking of a diocesan synod is to be considered *ultra vires* of a metropolitan. Now this is precisely what Menezes did in Malabar. He considered himself invested with the full and absolute powers of an administrator and metropolitan, and as such did not scruple to confer Holy Orders and convoke a diocesan synod. We think that in this matter he acted '*ultra vires*', even if he were the legitimate Metropolitan of the St. Thomas Christians and had also the right, in virtue of that title, to nominate an administrator for the vacant see.

We might go a little further still and say that even an

([70]) F. X. WERNZ, *Jus Decretalium*, 1915, t. II, p. II, n. 723, p. 517-18 has: "Metropolitae pariter ordinariam habent potestatem quae vocatur jus metropoliticum, auctoritas metropolitana, lex metropolitana, sed in suffraganeos suos eorumque subditos, et dioeceses nihil possunt, nisi, quod in jure juxta vigentem ecclesiae disciplinam ipsis expresse fuerit concessum".

([71]) *Ibid.*

interim administrator with full jurisdiction over a vacant diocese is not entitled to do some of the things which Menezes actually did. The principle, that no innovation be made during vacancy of a see (*Sede vacante, nihil innovetur*), is to be strictly observed by a temporary administrator or vicar capitular. He is allowed to exercise his jurisdiction only under certain limitations ([72]). Ordaining entire batches of thirty and fifty within the space of a few months, and thus swelling the ranks of the clergy beyond all proportion, is, without any doubt, not within the power of a temporary administrator, since it is a matter of major importance, that might have results prejudicial to the lasting interests of the diocese. Similarly, although an administrator is allowed to convoke a diocesan synod under certain conditions ([73]), it in no way falls within the competence of an administrator to introduce drastic changes in the church discipline, as was done in the Synod of Diamper, since it is a flagrant violation of the principle that no innovation should be made during the vacancy of the see.

Art. 3 The Two Briefs

Having dealt with the title of metropolitan, we shall now proceed to discuss the other point, namely, the two briefs, first singly, and then together in relation to the Synod.

§ 1 *First Brief*

The first brief referred to is that of Clement VIII, dated January 27, 1595 ([74]).

As there seems to have been some doubt about the authen-

([72]) Cfr. De Angelis, *Praelectiones Juris Canonici*, lib. I, t. XXVIII Rome, 1877, p. 99-109.

([73]) Cfr. Benedictus XIV, *De Synodo Dioecesana*, II, ix, V & VI.

([74]) So we find in Gouvea, *Synodo Dioecesana*, f. 2. In Raulin, *Historia Ecclesiae Malabaricae*, the date is given as January 27, 1594. This might be a mere printer's mistake. In the Portuguese manuscript copy in the Jesuit archives in Rome, the date is given again as January 27, 1595, corrected in the original hand from January 27, 1599. There are many editions of the brief: *SBPP*, p. 9-10; Beltrami, *op. cit.*, p. 248-250; A Portuguese version of the brief was already published by Gouvea in *Jornada*, f. 10-11.

ticity of the brief ([75]), we shall, before proceeding further, touch on this question briefly.

There is the official copy of the brief in the register for briefs in the Vatican Archives. It is in the hand of the scribe who has written the other briefs, and there is no room whatever to doubt its authenticity. Nay, more, in this case quite exceptionally, a draft copy of the brief prepared by the scribe and corrected in the unmistakable hand of Card. Santori is also preserved. Thus we have both the draft copy and the usual fair copy incorporating corrections ([76]).

The suspicion about the authenticity seems to have originated from the claim that the brief is addressed and directed to Menezes, Archbishop of Goa, who was appointed to that office only on February 13, 1595, while the brief is dated January 27, 1595. The brief is addressed, without anyone being named: "To the Venerable Brother Archbishop of Goa" and it goes on to say: "firmly confident in the Lord of your faith, integrity, and zeal for the Catholic religion". It is sometimes supposed that the latter statement implies a person already in the post of Archbishop of Goa. Besides this incongruency, the tenor of the brief and some of the information it contains could give occasion for doubt concerning its authenticity.

But the authenticity of the document is beyond question. The very fact that the official copy of the brief is preserved in the official register in the Vatican is enough to prove its authenticity. The opposing considerations just adverted to can only be, perhaps, difficulties of interpretation of the brief which may touch even its validity but not its authenticity; and we shall take them up now. On two points the efficacy of the brief may

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([75]) Cfr. FERROLI, *The Jesuits in Malabar*, vol. I, p. 6.

([76]) Arch. Brev. Apost., vol. 223, f. 89sq. The copy with the corrections is found on f. 89, 89v and 92 and the fair copy on f. 90-91v. The corrections in the hand of Card. Santori are as follows: 1) The scribe's "in Malavari ac monte S. Thomae in istis Indiae Orientalis Partibus" the Cardinal has changed to "*in Regno Coccini et in Malavari seu Indiis Sancti Thomae Apostoli*". 2) He has in three places introduced 'provincia' after 'dioecesis': "Qui in ejus dioecesis *et provinciae*"; "interim vero ne ecclesia dioecesis *et provincia*"; "quoscumque in dioecesi *et provincia praedictis*". 3) He has corrected "debitis poenis affici volumus ac jubemus" to "*inquiras et procedas seu inquiri et procedi facias juxta canonicas sanctiones*". Then at the end the Cardinal has written "" "vidi et bene se habet, Julius Antoninus Card. S. Severinae". Both the copies have the same date January 27, 1595.

be disputed: (i) The brief is addressed to the Archbishop of Goa of which the see is vacant at the time of the concession, and it may be contended that Menezes cannot avail himself of the faculties given in the brief, as they are granted *industria personae* by such terms as " confident in the Lord of your faith, integrity and zeal for the Catholic religion ". (ii) Secondly, some of the assumptions in the brief run counter to fact. Among other things is said: " You shall not permit on the absence or death of the Archbishop Mar Abraham any other to be elected or deputed as archbishop, admit or allow any such person to enter therein [i. e. the diocese], except the one appointed by the Apostolic See in conformity with the decree of the above-said Provincial Council of Goa, which was accepted by Mar Abraham and his Church and diocese ". This, it may be claimed, is against facts. For the right of the Chaldean Patriarch to nominate bishops for Malabar was in no way limited by the decrees of any provincial council of Goa and consequently there cannot be any question of conformity with the decrees of the said council, as alleged in the brief.

With regard to the first objection, it is to be noted that the see of Goa had become vacant in 1593. During the vacancy, the Bishop of Cochin was the Administrator of the archdiocese. Although it is true that Menezes was nominated Archbishop of Goa only on February 13, 1595, he was presented to that office already on November 21, 1594 ([77]), by the King of Portugal who had the right of patronage over Goa. So, from 1594 the name of Menezes was spoken of in Rome and his high qualities of mind and soul were being brought to the notice of the papal court ([78]). Thus it would seem that Menezes is already held

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([77]) Cfr. C. DE CLERCQ, *Histoire des Conciles*, t. XI, *Conciles des Orientaux catholiques*, Paris, 1949, p. 35, note 5: " Il [Menezes] fut présenté par le roi du Portugal pour le siège de Goa le 21 Novembre 1594 ". Cfr. RAULIN, *op. cit.*, ELOGIA see under Rodericus de Acunha. Cfr. ANTÃO, *op. cit.*, p. 39, note 57; p. 43, note 66.

([78]) Fabio Biondi titular Patriarch of Jerusalem, and Vice-Legate to the Portuguese court in Lisbon writes to Card. Aldobrandini on December 17, 1594 about the nomination of Menezes to the vacant see of Goa: " Potrà anco V. S. Ill.ma facilmente haver inteso che la Mtà. del Re hà nominato per Arcivescovo della Chiesa di Goa nell'India, che hora vaca, il Padre Frate Alessio del Gesù della casa di Menezes, familia molto nobile in questo regno, et è dell'ordine di St. Agostino heremitano che l'anno passato fu prior di questo monastero di Lisbona, è Padre di lettera et molto esemplare, et è ottima elettione per quella chiesa, la quale è metro-

in view and is referred to in the brief, and his personal qualities are alluded to therein. Nor from a juridical point of view, can the efficacy of the brief be called in question. Phraseology such as " strongly confident in the Lord of your faith, integrity and zeal for the Catholic religion " need not be taken to express a commission *ex industria personae* (79), especially when the recipient is addressed only by the name of the office (80). So there seems to be no reasonable objection impeding Menezes from executing the commission. We will see later on whether the brief was actually sent to him or not.

The second objection to the brief is that it falsely assumes that Mar Abraham and his Church had freely agreed to receive no bishop except the one directly sent by the Pope ; agreement which would derogate from the jurisdiction of the Patriarch over

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poli in tutte le chiese dell'India dependenti di questo Regno, et ha bisogno di persona ben timorata di Dio, et che non attenda à mercanti e che dal prelato di questa chiesa dipende tutto il governo ecclesiastico di quelle parti : et questa mattina ha fatto la professione della fede in mia mano, et si attende a formar il processo per mandarlo quanto prima, acciò si possa meter in viaggio con le prime navi che partiranno " ASV, *Nunziat. Portugal.*, 9, f. 461, 468v. See ASV, *Fondo Gonfalonieri*, vol. 30, f. 52-53 for information reaching Rome in connection with the consistorial process to be made for the confirmation of the nomination of Menezes, where Menezes' noble birth, and qualities, and ecclesiastical career up to then, are briefly described.

(79) VAN HOVE, *De Rescriptis*, p. 250 says : " Non defuerunt qui opinati sint industriam personae eligi per verba : " conscientiae tuae committimus ", " conscientiam tuam oneramus ", immo " discretioni tuae committimus ", sed haec verba intelligenda sunt de cujuscumque boni viri conscientia et discretione. Immo non eligitur industria personae per formulam " committimus prudentiae tuae de qua specialiter confidimus ". G. MICHIELS, *Normae Generales*, vol. II, 1949, p. 462 has : " Sed industriam personae executoris fuisse electam ... nec non juxta plures, aliis tamen non immerito contradicentibus, si in rescripto legatur clausula " " de tua industria confidentes ", " prudentiae tuae de qua specialiter confidimus, executionem committentes ", " conscientiam tuam onerantes ", aliave similis. The formula used in the brief in question gives still less place for doubt.

(80) F. CAPPELLO, *Summa Juris Canonici*, 1945, vol. I, p. 126 : " Numquam locum habet [electio industria personae] si persona indicetur per officium, dignitatem vel titulum ". MICHIELS, *loc. cit.*, p. 462 says : " Numquam verificari communiter censetur, si exsecutor non personaliter, sed nonnisi per officium, dignitatem vel titulum indicetur, v. g. Ordinario loci, Superiori majori exsecutionem committentes ".

them. It seems that on this point ([81]) as well as on some others ([82]) the Pope was ill-informed. Nevertheless, it will be hard to show that these assumptions are the motives of the brief, and as such affect the powers granted by it.

Having established that the brief under consideration is free of substantial defects, we shall now inquire into its contents ([83]).

([81]) The reference must be to the Third Provincial Council of Goa as it is the only one of the provincial councils of Goa at which Mar Abraham was present. The Third Provincial Council of Goa did not call in question the right of the Chaldean Patriarch to send bishops to Malabar ; in fact, the Patriarch's right was tacitly admitted in that Council. There is however a decree which says that Mar Abraham accepted all the decisions made in his absence by the Second Provincial Council of Goa with regard to the Church of Malabar ; and one of these decisions has that it is opportune that the St. Thomas Christians be governed by a prelate sent by the King of Portugal. (See *BPP*, vol. II, p. 51, 74 & 75. See our notes 41 & 45, p. 57-8). How far these circumstances will justify the wording of the brief the reader can judge for himself.

([82]) For example the assumption that Mar Abraham promised in the Third Provincial Council of Goa to bring the St. Thomas Christians to the true faith and to the obedience of the Roman Church, while they were evidently that before the Council. Besides, the wording of the brief is also evasive. Although the intention is to bar entrance into Malabar of any bishop appointed by the Patriarch, it is said, " [a] nec ... alium eligi ... permittas, nisi [b] quem Apostolica Sedes juxta decretum praefatae synodi provincialis Goae ab ipso Mar Abraham ejusque ecclesia et dioecesi acceptatum, elegerit ". It is true to fact that in the Council the right of the Pope to appoint bishops for Angamali was duly recognized. So if " juxta decretum " may be made to refer only to the second part [b] of the clause, the wording of the brief cannot be found fault with.

([83]) The text of the brief reads : " Venerabili fratri archiepiscopo Goano.

Clemens Papa VIII.

Venerabilis frater, salutem etc. Nuper non sine gravi animi Nostri dolore ad nos perlatum est Mar Abraham, archiepiscopum Angamalen in regno Coccini et in Malavari seu Indiis Sancti Thomae Apostoli — qui alias catholicam doctrinam amplexus Apostolicae Sedi obedientiam praestitit ac in synodo provinciali Goana de reductione ad catholicam fidem ejusdemque Sedis obedientiam universae ipsius dioecesis tractavit — novissime in recidivos Nestorianae haeresis errores misere prolapsum fuisse, nec monitum resipiscere voluisse, minusque permisisse libros caldaicos eisdem erroribus refertos qui in ejus dioecesis et provinciae ecclesiis leguntur emendari et corrigi, ac praeterea plures simonias commisisse. Nos qui ob injuncti nobis apostolici muneris debitum in eam potissimum curam et sollicitudinem incumbere tenemur, ut ecclesiarum pastores, praesertim in

The brief delegates some faculties to the Archbishop of Goa. These can be conveniently grouped as three: (i) To inquire into

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tam remotis ab Apostolica Sede regionibus, sanam doctrinam teneant et commissas sibi oves catholicae doctrinae salutari pabulo reficiant et pascant, in praemissis ea qua decet ratione consulere volentes ac de tua fide, integritate ac catholicae religionis zelo plurimum in Domino confisi, fraternitati tuae per praesentes committimus et mandamus ut in ipsius Mar Abrahae vitam, mores et doctrinam diligenter inquiras et si per inquisitionem huiusmodi illum in praemissis culpabilem esse repereris, illum ad te Goam venire iubeas et facias, ibique sub tuta et honesta custodia retineas, et processus per te faciendi exemplum in authentica forma ad nos et Apostolicam Sedem transmittas ut, ipso processu diligenter inspecto et examinato, ipsius Mar Abrahae archiepiscopi causam prout iustum fuerit terminare valeamus. Interim vero ne ecclesia, dioecesis et provincia praedictae Angamalensis, ipso archiepiscopo absente et erroribus implicato, in spiritualibus vel temporalibus aliqua patiantur detrimenta, in eadem ecclesia et dioecesi personam aliquam ecclesiasticam ex ritu latino qui si fieri possit linguam caldeam seu syriacam calleat, in vicarium apostolicum cum facultate ea omnia quae iurisdictionis sunt non autem ordinis faciendi deputes et constituas, ac illum toties quoties expedire iudicaveris removeas et alium semel et pluries in eius locum surroges et denuo deputes et constituas; nec absente aut decedente ipso Mar Abraha archiepiscopo, alium archiepiscopum eligi vel quomodo deputari aut ibidem admitti permittas, nisi quem Apostolica Sedes iuxta decretum praefatae synodi provincialis Goanae, ab ipso Mar Abraha eiusque ecclesia et dioecesi acceptatum, elegerit. Si quos vero alios quoscumque in dioecesi et provincia praedictis similis errcris labe irretitos reperiri contingat, in eos per te aut Vicarium Apostolicum, a te ut praescribitur deputandum, inquiras et procedas seu inquiri et procedi facias iuxta canonicas sanctiones. Super quibus omnibus et singulis plenam et amplam tibi facultatem et auctoritatem apostolica auctoritate tenore praesentium concedimus et impartimur. Non obstantibus quibusvis apostolicis ac in provincialibus et in synodalibus conciliis editis generalibus vel specialibus constitutionibus et ordinationibus ac nominatim concilii Tridentini decreto, quo disponitur quod processus etiam informativi contra episcopos formari non possint nisi vigore commissionis manu propria Romani Pontificis signatae; necnon praedictae ecclesiae Angamalensis etiam iuramento, confirmatione apostolica vel quavis firmitate alia roboratis statutis et consuetudinibus ac privilegiis, indultis, et litteris apostolicis in contrarium praemissorum quomodolibet concessis, confirmatis et approbatis. Quibus omnibus, illorum tenores praesentibus pro expressis habentes, hac vice dumtaxat specialiter et expresse derogamus, ceterisque contrariis quibuscumque. Volumus autem ut praesentium transumptis, manu alicuius notarii publici subscriptis et sigillo alicuius personae in dignitate ecclesiastica constitutae munitis, eadem quae praesentibus ipsis fides adhibeatur. Datum Romae, apud Sanctum Petrum etc., die 27 ianuarii 1595. Anno tertio ".

the life and doctrine of Mar Abraham, and others suspect of heresy. Inquiry into the life and doctrine of Mar Abraham should be done in the following manner. Adequate information about Mar Abraham should be first gathered and in case, from such inquiry, he is found suspect of heresy, a formal process must be instituted at Goa, for which the Archbishop should be taken thither. The acts of the process are to be sent to Rome for final decision. Others suspect of error can be judged either by the Archbishop or by the vicar apostolic to be appointed by him. (ii) The second faculty given by the brief refers to the appointment of a vicar apostolic. The vicar apostolic is to be appointed only in case Mar Abraham, being found guilty, has to be taken to Goa for the formal process, thus being obliged to be away from Angamali (" *ipso archiepiscopo absente et erroribus implicato* "). The Archbishop can change the vicar apostolic as often as he thinks expedient. He is to be of the Latin rite, if possible one knowing Syriac. He gets full jurisdiction in the archdiocese, but should abstain from the exercise of powers pertaining to the Episcopal Order. (iii) The Archbishop of Goa is further commissioned to keep out anyone else coming to govern the see of Angamali, during the absence or after the death of Mar Abraham, until Rome appoints a pastor. These are the contents of the brief.

Now let us briefly look at the circumstances in which the brief was obtained and how it was executed. This is needed to appraise fully the claim put forward later on by Menezes for conducting the Synod of Diamper in virtue of this brief.

The main purpose of the brief, as we have seen, was to authorize the Archbishop of Goa to inquire into the life and doctrine of Mar Abraham, who is seriously suspected of heresy. After very many letters of recommendation in his favour from the Pope and after his participation in the Third Provincial Council of Goa, this brief, worded rather strongly as it is, comes as a shock. When did Mar Abraham drift away ? What were the causes of the change in his attitude ?

The Third Provincial Council of Goa was in 1585. Ros, S. J. was commissioned to help the Archbishop put things straight and implement the decisions of the Council. For two or three years everything seems to have gone well. In a letter dated 1587 Ros speaks of how he is engaged in correcting Syriac books, as asked to by Mar Abraham. And Ros in this letter clearly speaks of the desirability of cutting off the Chaldean line of

succession in Malabar ([84]). In another letter of 1589, Mar Abraham is reported to be opposing the efforts of the Jesuit Fathers, and the reason given for Mar Abraham's ill-will is that he fears that it is being sought to liquidate the jurisdiction of the Patriarch over Malabar ([85]). But soon graver accusations against Mar Abraham reached Rome. Two letters written in 1593 by Abraham de Giorgiis, a Maronite Jesuit ([86]), describe the Chaldean Archbishop, then 85 years old, as living an immoral life, teaching all kinds of heresies against the divinity of Our Lord and the divine maternity and the virginity of Our Lady etc. Some of these, he says, he found in Syriac books, others were found in letters surreptitiously impounded, the Portuguese having used all diligence in censoring the entire correspondence to and fro between Malabar and Chaldea. Although we are not inclined, taking into account the various circumstances of the time ([87]), to accept these accusations to the letter, we cannot lightly pass over these remarks, coming, as they do, from one who was soon to shed his blood in defence of the faith ([88]). Similarly other letters coming from Vaipicotta, although worded less strongly, nevertheless cast suspicion on the orthodoxy of Mar Abraham. In a letter written on December 21, 1593, Ros says that the Archbishop is about to die and with the coming of a new Catholic Chaldean prelate, God would give great graces to the Malabar Church, formerly disfigured with the heresies of Nestorius ([89]). In

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([84]) ARSI, *Goa-Mal.* 13, f. 344. In this letter mention is also made of how the Latin ceremony for ordination was translated from Latin to Syriac and how Mar Abraham was asked to ordain priests according to the new ritual.

([85]) ARSI, *Goa-Mal.* 13, f. 453 : " Por esta causa el dicho Arçobispo sintio mucho este negocio de hazerse seminario que V. P. mando, porque se teme perdera la iurisdicion que tiene en esta Sierra el Patriarcha de Babylonia ".

([86]) ARSI, *Goa-Mal.* 14, f. 34-5 ; f. 165-7. They were published by RABBATH A., *Documents inédits pur servir à l'histoire du Christianisme en Orient*, t. I, p. 321-23 ; 323-30. Partly cited in BELTRAMI, *op. cit.*, p. 114, which has been translated into English by FERROLI, *Jesuits in Malabar*, vol. I, p. 173-74.

([87]) About the rivalry between Maronites and Chaldeans see the report of Card. Maffaeus published by GIAMIL, *op. cit.*, p. 479-82. On the strained relations between Jesuits and Franciscans see notes 89, 90 and 91.

([88]) Abraham de Giorgiis soon after died the death of a martyr in Aethiopia.

([89]) ARSI, *Goa-Mal.* 14, f. 175-76.

another letter dated December 23, 1593, George de Castro, speaks of how the Christians embrace the Catholic doctrine and abhor the errors of the Nestorian bishops ([90]). But, it was not all a question of mere orthodoxy. The rivalry between the two religious orders, the Jesuits and the Friars of St. Francis, had coloured the controversy, the Franciscans siding with the Archbishop and defending him from the accusations of the Jesuits. Mention of this is made in all the letters we have quoted above. Jesuit sources generally say that the Franciscans did not know Syriac and some letters go on to add that they did not know Malayalam either. It is therefore reported that it was for mere caprice that Mar Abraham was being favoured by them without their knowing anything about his life or doctrine. It might be true that the Franciscans working in Malabar did not know Syriac; but it is difficult to suppose that with their missions for so many decades among the natives, who usually knew only their mother tongue, the Franciscans did not know Malayalam, or that they would uphold the kind of man described by Abraham de Giorgiis, an avowed public Nestorian living a scandalous life. Very likely, here also, the truth may lie in the mean. It is very probable that the spirit of religious rivalry, to some extent, coloured the relations of the Franciscans and the Jesuits between themselves and their approach to the question of Mar Abraham. And Mar Abraham himself, after having lost all hope of seeing the Chaldean line of succession upheld in Malabar, on the verge of desperation might have gone to excess in defending himself. Besides, for him, the introducing of Latin liturgy under Syriac garb, a policy then actively pursued by the Jesuits, would have gone against the grain. The ruthless correction of Syriac books, most of them quite out of circulation and harmless, would have pained him, and his reluctance to hand over books containing objectionable portions would have naturally been interpreted and construed as attachment to error. To settle things in a radical way, Ros, through the Provincial of Goa, applied for the relentless weapon of Inquisition to take up the case of Mar Abraham, and in that strain wrote to Aquaviva, the General of the Society, to get papal authorization for such procedure ([91]). This is the origin of the first brief.

([90]) ARSI, *Goa-Mal.* 14, f. 177-78.

([91]) ARSI, *Goa-Mal.* 14, f. 179. This letter is dated December 24, 1593. But in another letter cited above (note 89) dated December 21, 1593,

It took some time for the brief to be prepared, and finally on January 21, 1595, the brief was ready. It was sent to Goa and was directed to the Provincial, Francis Cabral, through whom it was negotiated; and it was he who presented the brief to Menezes ([92]). These things are described to us in a letter written by the Provincial to the Jesuit General on November 20, 1595 ([93]).

But when the brief reached Goa, the situation in Malabar had changed. In a letter dated December 31, 1595, George de Castro says among other things that the previous year the Archbishop Mar Abraham had fallen ill and in consultation with the Jesuits had made a testament nominating the Archdeacon as his successor, according to the permission he had from the Patriarch; and he wished that the Fathers should get the nomination confirmed by Rome ([94]). In witness of this good disposition of Mar Abraham's we are fortunate to have a letter written by himself to Aquaviva on December 17, 1594. It is the last letter of the last Chaldean bishop of Malabar we possess. We quote a little at length from the letter: " As I feel in my advanced age, that soon the time will come for me to go and give account to God for the talent I have received, I think it my duty to inform Your Paternity of the neglected state of the Church of the St. Thomas Christians and the need to negotiate with H. Holiness for a zealous pastor, who will console and govern well these sheep dispersed in the midst of a perverse nation; and who together with the Fathers, Your Paternity has stationed here in Malabar for our help and correction, will feed this flock with true Catholic doctrine. And I have indicated to His Holiness as my coadjutor and successor my Archdeacon, who is at present a person of great promise and whom the Fathers of the Society living among us know well. He will be gladly received by these souls and useful to them. And as I have had faculty from the Patri-

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Ros says that Mar Abraham's days are numbered. It is surprising to see Ros postulating an inquisition in such circumstances.

([92]) GOUVEA, *Jornada*, f. 11: " Este breve do Santo Padre foy dado ao Arcebispo Dom Frey Aleyxo chegando à India ".

([93]) ARSI, *Goa-Mal.* 14, f. 283: " Junto ao breve que V. P. mandou negocear com S. Santidade pera por ella o Arcebispo de Goa poder devassar do Arcebispo da Serra & dos mais que achasse culpados, mandando a elle um a esta cidade, podesse pôr hum vigario apostolico governasse aquelle arcebispado em quanto Sua Santidade provesse; posto que eu apresentei o breve ao Arcebispo, tendo em segredo ser avido [?] por nos ..... "

([94]) ARSI, *Goa-Mal.* 14, f. 310-11: Letter of George de Castro to Aquaviva on December 31, 1595.

arch and thereafter from His Holiness to consecrate for the same office the previous Archdeacon who died before this could be realized, so I have asked in his place for this his nephew who has been brought up with the counsels and teaching of the Fathers. We are all confident on account of both his great zeal and good qualities that he will be a faithful and prudent servant whom the Lord has appointed over his family. With the help of the Fathers who work among us, although they are few in numbers, and with the seminary which they for the mercy of God conduct, this Church is being greatly assisted and the natives enjoy the fruit of the work of the priests trained in the seminary. And through the Syriac language in which he is proficient, Ros has helped me to translate some passages from Latin and correct some books which contained erroneous doctrines against the purity and sanctity of the Catholic Church. We also owe to the labour of these Fathers the reform of some of the customs, and that which remains will be perfected ; for these Christians live among the infidels and I am so tired and ill that I cannot of myself accomplish my obligations " ([95]).

([95]) ARSI, *Goa-Mal.* 14, f. 198 : " Por quanto por mi largua edade siento lleguarce el tiempo de mui sedo ir a dar cuenta a Dios del talento que recebi, me parecio dever dar cuenta a V. P. del desemparo desta Christianidade de S. Thome y nescessidad que tiene de sse procurar de S. Sanctidad lhe vengua tal pastor y tan apostolico que pueda consolar y bien governar estas tan derramadas ovejas in medio pravae nationis, el quoal junto los padres que V. P. pera nuestra ajuda y remedio tiene puestos en esto Malavar aparsiente esto rebanho en la verdadera y catholica doctrina, y pera coadjutor y ssu socessor apunto a S. Sanctidad mi Archidiacono que al prezente es persona de mucha sperança a quien los padres de la Compañia que entre nos viven conoscen que podrà ser bien recebido y util al bien destas animas, y ansi como yo tuvo [sic] licençia del Patriarcha y dispues de S. Sanctidad pera consagrar y nel mismo luguar al archidiacono viejo que se morió antes de lleguar al effecto anssi yo pido en su lugar este su sobrino que con los consejos y doctrina de los padres se va criando, y tan por su buen zelo y buenas partes confiamos todos que seia fidelis servus et prudens quem constituit Dominus super familiam suam.

Com la aiuda de los padres que entre nos viven, aumque pocos y con el seminario que tienen pola misericordia de Dios, se vai mui mucho aiudando esta christianidade y los naturales sinten el fruto que hazen los sacerdotes que en el se crian, y por la lengua suriana que el padre Francisco Roz bien sabe me tiene bien aiudado traduziendo algunas cosas de latim, y emendando algunos libros que allamos errados y inficionados con doctrina contraria a la puresa y sanctidad de la Ecclesia Catholica, y tambien por industria destos padres tenemos reformados algunas costumbres y lo que

From all this it would appear that the major issue was the question of succession and by promising to try to make the Archdeacon his successor, the Fathers of Vaipicotta obtained in part the good-will of the aged Mar Abraham. As we learn from the correspondence of the time ([96]), letters were taken to Rome by Manoel de Vega early in 1594 or at the end of 1593, in which Mar Abraham had left the future of the Church in the hands of the Holy Father and also of the King of Portugal, firmly hoping that the Archdeacon would be favoured as his successor.

Because of this change in the situation, the brief was not at first executed. It is sufficient to read the latter part of the letter of the Provincial of Goa cited above: "All the same I told him [Archbishop Menezes] that it seemed to me that His Excellency should delay execution of the brief until we could know from Fr. George de Castro the stand taken by the Archbishop and others, because it is over six months since I received letters from the Fathers saying that the Archbishop and the Archdeacon have become good friends of the Fathers, and they have become reconciled with them and have asked everyone to follow the doctrine of the Catholic Church; and the Archdeacon has entrusted the books to Fr. Ros for correction of errors. I told Menezes that although His Excellency's designs were good, he should delay execution of the brief for the moment, until information was gathered from the Fathers about later developments so that it would be possible to proceed with greater light in this matter. Besides, if the Archbishop got wind of it, it would be impossible except by fraud to summon him, unless he came of his own accord, for he remains in the domains of pagan kings who respect and honour him; and they, their relatives and subjects, would all die rather than suffer any mishap to befall those whom they have taken under their protection; and hence even the entire might of the King of Portugal would not succeed in getting him out of the country. Besides, it would create great unrest among the Christians, who are now quiet. For these reasons it seemed better to the Archbishop to inquire first about the present state of affairs from the Fathers who could in secret

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resta si se irá perficionando, qua por estos christianos estaren entre gentiles y io ser ja mui cansado y infermo no he podido de todo comprir com my obligaçón ....."

([96]) Cfr. a letter of George de Castro's dated January 5, 1597: ARSI, *Goa-Mal.* 14, f. 336-37 and one of Ros's dated December 24, 1597: *ibid.*, f. 357-58.

give him their opinion about the course of action to be followed in this place for the greater service of God. I have written to Fr. George de Castro informing him of the brief and enjoining secrecy on him as well as on the others. I am waiting for his reply and the Archbishop will make a decision in conformity with it " ([97]).

Thus for the time being, the execution of the brief was suspended and more information was solicited from the Fathers of Vaipicotta, under secrecy. But finally was a judicial inquiry conducted ? Gouvea says that a process was made out and sent to Rome, although the Archbishop could not be brought to Goa because of his old age and infirmity and their inability to lay hands on him as he lived outside the Portuguese limits ([98]). The

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([97]) ARSI, *Goa-Mal.* 14, f. 283 : " Todavia lhe [ao Arcebispo] disse que me parecia que S. S. devia de sobrestar nesta ezecuçao ate sabermos do Padre Jorge de Castro o termo em que estava assim o Arcebispo como os mais, porque eu tinha cartas dos Padres de mais de seis meses, em que dizião como o Arcebispo & seu Arcediago estavão muito amigos dos Padres e ambos reduzidos e tinhão mandado que seguissem todos a doutrina da Igreja Romana & o Arcediago tinha entregues os livros ao Padre Ros pera os emmandarem dos erros que tinhão ..... & tornando ao que tratei com o Arcebispo, foi que pois tudo era bem que era o que Sua Sanctidade pretendia, devia por ora sobrestar no breve ate nos enformarmos dos Padres do que la passava pera que com mais luz se procedesse no caso, e porque alem disto se o Arcebispo cheirasse, alguma cousa era impossivel senão fosse por manha poderemno tirar de la se elle não quizesse, porque como está nas terras de Reis gentios que tem por primor & honrra elles & todos seus parentes & vasallos morrerem antes que consentirem fazersse agravo a que elles tomavão debaixo de seu emparo, por onde nem todo o poder del rei o poderia tirar dela, alem disso, podersse hião alterar os christãos & donde aguora tudo estava quieto o podersse ha tornar a desenquietar tudo, pollas quaes razões ao Arcebispo pareceo bem saber dos padres primeiro do que la hia & os padres em todo segredo darem seu parecer do que seria mais serviço de Deos fazersse nesta parte tenho escripto ao Padre Jorge de Castro dandolhe conta do breve, & assim a elle como aos outros Padres encommendandolhe o segredo, espero polla resposta pera conforme a ella se determinar o Arcebispo ".

([98]) Gouvea, *Jornada*, f. 11 : " Este brevo do Santo Padre, foy dado ao arcebispo Dom Frey Aleyxo chegando à India, por virtude do qual & em comprimento dos mandados Apostolicos, fez a inquirição das culpas, & erros do Arcebispo Abraham & achando ser Sua Santidade, informado na verdade do que passava, lhe mandou o processo, não tratando de trazer o dito Arcebispo a Goa, assi por elle nam sayr da Sua Igreja de Angamale aonde pellos Portuguesses não podia ser prezo, como por estarja em idade decrepita, com que senam bulia de huma cama ..... "

very terms of this report cast doubt on the manner in which the process was conducted, if at all a process was made out, since the accused was given very little chance of defending himself. But the correspondence of the period does not warrant the conduct of a formal juridical process against Mar Abraham either in Malabar or Goa, an account of whose acts could be eventually sent to Rome. In a letter dated January 5, 1597, to John Alvarez, the Portuguese Assistant at the Jesuit General's house, Rome, George de Castro, in this affair the main correspondent of the Provincial, Cabral, says that Menezes had informed them about the commission he had for superintending the affairs of the Church and had got information to be given to the Holy Father and His Majesty ([99]). But in another letter dated January 8, 1597, the same writer says that the Archbishop has communicated to them the faculties he had and wants to get information through them, and has asked them to begin an inquiry in juridical form into the doings of the Archbishop ([100]). Nevertheless we have a letter dated December 22, 1596, written by Menezes to Fabio Biondi in which among other things he says: " His

([99]) ARSI, *Goa-Mal.* 14, f. 336-37 : " ..... Responder aos pontos de carta de V. R. dos quaes o primeiro tratava V. R. sobre os breves que impetrou de Sua Sanctidade pera o bom governo e consideração deste inverno e dava entender que vinhão nas mesmas naos. Os quaes breves nem o anno passado nem este agora em que veio o Pe. Gildemata vierão. Somente chegou o anno Dom Aleyxo de Meneses por Arcebispo de Goa que logo nos fez o saber da commissão que trazia e superentendencia desta christandade e nos comessou logo a dar muita ajuda e favor e tomou logo de nos as informaçoes que convinhão pera este anno mandar a Sua Sanctidade e Sua Magestade, mas por agora ainda que o Arcebispo do Anguamale está mais morto que vivo por suo doença e velhice todavia não convem pôr vigairo emquanto elle vive nem he lingoagem esta de que estes ainda esteião emcapazes e como Arcebispo e o seu Arcediago escreverão pelo Padre Manuel de Viega ao S. Padre e a el rei, e poserão esta christianidade nas suas mãos e pedirão que provesse de prelado &c ".

([100]) ARSI, *Goa-Mal.* 14, f. 338-39. " ..... Dos apontamentos que laa forão a V. P. jaa sentimos qaa haver ordem e comissão de S. Sde. ao Arcebispo de Goa que o anno passado chegou do Reyno e nos communicou seus poderes e por nossa via se quis informar do estado desta cristandade e por modo iuridico mandou inquirir deste prelado e pos pera remedio algumas cousas, e como he pessoa Illma. de sangue e de virtude tem grande zelo de aiudar estas almas e he muy afeiçoado aos padres e speramos que por seu meio seia esta christandade muy aiudada e mays acrescentado o numero dos padres e de sua sustentação conforme a informação que S. S. quis tomar de nos pera mandar a S. Mge ".

Holiness the Pope our Lord has commissioned me by a brief to gather information about the Archbishop of Angamali of the Christians of St. Thomas who have been here from the time of the Apostles. The archbishopric used to be governed by bishops sent by the Patriarch of Babylon, but from the time that the Portuguese established themselves here, they have seen to it that these bishops give obedience to the Pope — accordingly they sent the present Archbishop to Rome in the time of Pius IV —, and are acknowledged by apostolic briefs to the Archbishops of this city and that they come to the provincial councils conducted here. But, notwithstanding all this the present one continues to remain the Nestorian heretic he was. The information I have had gathered I am sending severally in the first three ships, to His Holiness, keeping with me the original one, so that there might be evidence of the inquiry made. Your Excellency will forward two of the copies to His Holiness, keeping the other one for yourself, so that the diligence I have shown in this matter and the promptitude with which the apostolic mandates have been put into execution with due obedience and reverence may be known " ([101]). This letter was written to Lisbon where Fabio Biondi was at that time the Vice-Legate. But since he left Lisbon in March 1597 ([102]) for Rome, he might have received the letter only while at Rome. This letter does not speak of the acts of a formal process, but only about the information gathered about Mar Abraham, of which information Menezes has sent three copies in three first boats leaving for Portugal, keeping

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([101]) ASV, *Fondo Gonfalonieri*, vol. 31, f. 388-389 : " Sanctidade do Papa Nosso Sr. me cometeu por hum breve seu tirasse informação do Arcebispo d'Angamale dos Christãos de S. Thome que inda ca durão do tempo dos Apostolos, o qual Arcebispado custumava a prover o Patriarcha de Babilonia, e os Portugezes depois que ca estão procurão sempre que elles desem obediencia ao Papa e assi fezarão ir este a Roma em tempo de Pio IV, e por breves apostolicos reconhesse aos Arcebispos desta cidade e vem aos consilios provinciaes della mas com tudo isto este qual he nunca deixou de ser herege Nestoriano ; a informação que mandei tirar mando per tres vias nas primeiras tres naos, a Sua Sanctidade ficandome na mão o original, pera que em todo o tempo conste da diligencia feita. Façame V. P. Illma. de a incaminhar por duas vias a S. Sanctidade ficandolhe a outra na mão pera que saiba a diligencia que nisto tenho feita e a prontidão com que demos execução os mandados apostolicos com a divida obediencia e reverencia ". ANTÃO, *op. cit.*, p. 160 has published parts of this letter.

([102]) See the copy of a letter of Fabio Biondi's to Menezes in ASV, *Fondo Gonfalonieri*, vol. 28, f. 732v.

with himself the original. So contrary to what one may infer from Gouvea, no formal process was instituted. It is to be noted in this connection that the papal brief of 1595 clearly distinguishes the first step of gathering information from the actual process to be conducted later on at Goa. Of these two only the first namely, a secret inquiry was made through the Jesuit Fathers of Vaipicotta and the information thus gathered was sent to Rome. But before the information reached Rome, Mar Abraham passed away to give an account of himself before the Eternal Judge ([103]).

What was the reason for Mar Abraham's final estrangement from the Jesuit Fathers of Vaipicotta? Ros's letter dated January 24, 1597, speaks for itself: "It is four years since Fr. Manoel de Vega went to Rome with letters for His Holiness from the Archbishop of Angamali in which he had requested His Holiness to appoint as his successor the Archdeacon, his vicar general, and also many other things. I have no doubt that His Holiness will make out their contents, for although the letters are in Chaldean, they are accompanied by a Latin translation. But the judgements of Our Lord were so great that the Archbishop never received any reply to the above-said letters, nor did Fr. Vega, who has now quite recently come back, bring any reply. Because of this the people have lost all confidence in us, thinking that we have withheld the letter of His Holiness to them. The Friars of St. Francis, who are our great rivals here, have contributed not a little to this loss of confidence, making the people believe that we are looking for prelacy for our own. Now they have become utterly distrustful of us finding that Fr. Vega has brought with him no reply, while on the other hand they remember that formerly His Holiness used to console them often" ([104]). Thus Mar Abraham deprived of the consolation of

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([103]) A letter of Ros's dated December 24, 1597, ARSI, *Goa-Mal.* 14, f. 357-58 says: "..... El Arçobispo desta Sierra murió el año passado a 3 henero". But George de Castro's two letters, one dated January 5, 1597 and the other January 8, 1597 suppose Mar Abraham to be still alive, although very ill. Very likely Ros might have made a mistake. A. SANTOS, *art. cit.*, p. 346 has wrongly read in the letter of Ros cited above "3 de Febrero". We know from GOUVEA, *Jornada*, f. 12 that Menezez while he was at Damão on a canonical visit, learned of the death of Mar Abraham on February 16, 1597. Damão is a place some hundred miles north of Bombay. It is not easy to estimate exactly how many days a letter from Malabar would have taken to reach Goa and then Damão.

([104]) ARSI, *Goa-Mal.* 14, f. 357: "Quatro años ha que d'aqui se fue el

getting even a reply from the Holy Father to whom he had entrusted the government of his Church, knowing more or less for certain that he would be the last in the line of the Chaldean bishops in Malabar, and that the death-knell of the Chaldean rite was already being sounded, after a long life of varied trials, breathed his last ([105]).

We have up to now followed the developments in Menezes' attempt to put into execution the first brief, especially the part relating to the inquiry into the life and teaching of Mar Abraham and the appointment of a vicar apostolic. We have seen that no formal action was taken or at least completed; and that till

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P. Manuel de Vega con cartas para su Sd. del Arçobispo d'Angamale, en que pedia a su Sd. hiziesse su successor al Arçediago su vigario general, y otras muchas cosas, de que no duvido folgaria su Sd. porque las cartas aunque ian en Chaldeo, estavan tambien traduzidas en latin, y fueron los iuizios de N. Señor tan grandes que nunca el dicho arçobispo tuvo respuesta de las dichas cartas, ni el P. Vega agora que viao tanpoco truxo respuesta dellas, por lo qual esta gente está en gran manera desconfiada de nos, pensando que retuvimos as cartas de su Sd. para ellos a la qual desconfiança ajudaron no poco los frayles de S. Francisco que son en esto grandes nuestros competidores, que dieron a entender a esta gente que queriamos para nosotros la prelaçia, y mucho mas desconfiados están agora viendo que el Pe. Vega no truxo respuesta alguna, sabiendo ellos que su Sd. antigamente los consolava muchas vezes ".

([105]) According to GOUVEA, *Jornada*, f. 11v and Menezes, ASV, *Nunziat. Portugal.* IV, f. 340-341v : ed. *SBPP*, p. 13 and others like Raulin and Assemani who depend on Gouvea, Mar Abraham had the impenitent death of an obdurate Nestorian heretic. Cfr. BELTRAMI, *op. cit.*, p. 117-9. Castets who is credited to have examined many unpublished documents of the period says the same : " He died a heretic as ever he had been before" : HAUSHERR, *De Erroribus Nestorianorum ..... auctore P. Roz ...* in *Orientalia Christiana*, t. XI (1928), Rome, p. 11. See also BELTRAMI, *op. cit.* p. 119 note 73-4. We looked into many unpublished Jesuit letters of the period to see whether some light could be thrown on the final days of Mar Abraham. In two letters of George de Castro of January 5, and 8, 1597, cited above in note 103, Mar Abraham is said to be weak in body and spirit and that the Jesuit Fathers did not succeed in persuading him to receive Extreme Unction either from them or from his own people. He is also said to have refused to profit by the Jubilee privileges then available, although he admitted that they were good in themselves. In his letter of December 24, 1597, also quoted above in note 103, Ros simply says : "El arçobispo desta Sierra murió el año passado a 3 henero, e no muy bien ". We must in judging the attitude of Mar Abraham towards Extreme Unction and Jubilee also take into account that the farthest that Ros and the Jesuits would go in the way of conciliation, was to allow the use of Syriac as a garb of Latin liturgy.

the death of Mar Abraham no vicar apostolic was appointed. With regard to the commission in the brief, not to allow bishops from Chaldea into Malabar, the way from Ormuz through which port prospective Chaldean bishops slipped into Malabar, was being well guarded by the Portuguese police even before the brief was granted ([106]).

§ 2 *The Second Brief*

The second brief brought forward to legitimize the conduct of the Diamper Synod is that of Clement VIII, dated January 21, 1597 ([107]).

There is nothing special to be said about its authenticity ([108]). The official copy of the brief is in the register for briefs in the Vatican Archives ([109]).

([106]) GOUVEA, *Jornada*, f. 11. See also the letters of Abraham de Giorgiis cited above in note 86 in which he says that all the letters were being censored.

([107]) GOUVEA, *Synodo Diocesano*, f. 1.

([108]) FERROLI, *The Jesuits in Malabar*, vol. I, p. 6 says that the authenticity of this second brief also has been denied even recently. We cannot think of any reason that could be brought forward against the authenticity of this brief.

([109]) Arch. Brev. Apost., vol. 248, f. 245 : " Venerabili fratri Archiepiscopo Goano in Indiis Orientalibus Clemens Papa VIII.

Venerabilis frater, salutem etc. Cupientes statui ecclesiae Angamalensis opportune providere, fraternitati tuae ut — si contingat modernum Archiepiscopum Angamalen. ab humanis decedere, ne dum eidem ecclesiae de alio pastore canonice providetur, illa propter temporis et locorum distantiam in spiritualibus vel temporalibus aliqua detrimenta sustineat — quamcumque personam ecclesiasticam prudentia, pietate, et doctrina insignem quae tibi idonea videbitur, in ipsius ecclesiae in iisdem spiritualibus et temporalibus vicarium apostolicum apostolica auctoritate constituere et deputare valeat, donec nos eidem ecclesiae de pastore providerimus, auctoritate praedicta, tenore praesentium facultatem concedimus. Non obstantibus constitutionibus et ordinationibus apostolicis ac ejusdem ecclesiae Angamalensis etiam iuramento, confirmatione apostolica vel quavis firmitate alia roboratis statutis ac consuetudinibus. Quibus omnibus, illorum tenores praesentibus pro expressis habentes, illis alias in suo robore permansuris, hac vice dumtaxat specialiter et expresse derogamus, caeterisque contrariis quibuscumque. Datum Romae, apud Sanctum Petrum etc., die 21 Januarii 1597, pontificatus nostri anno quinto. M. Vestrius Barbianus. "

On f. 246 we read : " Breve all'Arcivescovo di Goa nell'Indie che in

By the present brief, Menezes, Archbishop of Goa, is commissioned to appoint a vicar apostolic to govern the Angamali Church in case of Mar Abraham's death. The vicar apostolic, contrary to the first brief, need not be of the Latin rite. No faculty is given to the Archbishop to depose the vicar apostolic once appointed. The vicar apostolic will govern the vacant Church till Rome provides a pastor. His faculties are not limited, as in the previous brief, to matters of jurisdiction.

This is the content of the brief.

Let us briefly review the circumstances in which this new brief was obtained and see how it was executed.

The second brief was written when news began to reach Rome that Mar Abraham was old and ill and might die at any moment. Such information was sent already from 1595 onwards when Mar Abraham had become ill and had made his testament in consultation with the Jesuits. Certainly the information gathered by Menezes concerning his life and doctrine and sent at the end of 1596 by different ships in three copies, one for Fabio Biondi's personal use and the other two for Rome, had not reached Rome at the time, even if it had actually reached Portugal and was forwarded later to Rome. That might be the reason why no reference is made to the previous brief in this second one. This brief, dated January 21, 1597, was sent by Card. Aldobrandini, a nephew of the reigning Pope Clement VIII, together with a covering letter dated January 28, 1597, to the Vice-Legate Fabio Biondi at Lisbon. The covering letter is as follows : " Most illustrious and reverend Monsignor and Confrere. His Holiness has come to know that the Archbishop of Angamale in India is very old and may at any moment pass away ; and

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casu mortis dell'Arcivescovo di Angamale, proveda d'un vicario a quella chiesa, sin tanto che si farà elettione di nuovo Arcivescovo ", and on the reverse side : " A Mons. Vestrio. Per l'Indie. Che l'Arcivescovo de Goa nell'Indie possa, succedendo la morte dell'Arcivescovo de Angamale, provedere di un vicario in quella chiesa, sinchè si deputerà un altro vescovo ". Mons. Vestrio was the Secretary who signed the brief ; thus the indication given should have served him for the drafting of the brief. Cfr. BELTRAMI, *op. cit.*, p. 252, note 2. On f. 248v we find : " Pro Ecclesia Angamalensi. Facultas Archiepiscopo Goan. Constituendi vicarium Apostolicum decedente Archiepiscopo. Habuit Rdmus. Card. Aldobrandinus ". The brief has been edited by *SBPP*, p. 11 and BELTRAMI, *op. cit.*, p. 252. It might be noted that Gouvea who gives a Portuguese translation of the first brief, does not so far as make mention of the second brief in connection with the story of the period.

fearing that the Patriarch of Alexandria [!] might in such eventuality again presume to put forward his claim, as he once did, to appoint someone to the Church, His Holiness has decided to issue the brief enclosed herewith to the Archbishop of Goa. His Holiness has asked him to nominate a vicar or an administrator on the death of the above-said Archbishop of Angamale, so that any provision the Patriarch of Alexandria might make, may remain ineffective, as he cannot be expected to nominate anyone other than some Nestorian, who would strive to uproot these saplings from the Church of God. His Holiness has taken this measure and has asked me to communicate this to Your Excellency and to forward the brief, to ensure its safe delivery. Your Beatitude out of your good will, will write to the Archbishop of Goa about the execution of the brief, adding thereto all that would recommend itself to your prudence, as necessary for the successful outcome of this commission. As I have nothing else to tell you, I pray that God may bestow on you every good thing. From Rome January 18, 1597 " ([110]). This brief was forwarded from Lisbon by Fabio Biondi to Menezes with a covering letter in nearly the same words as Card. Aldobrandini's ([111]). The copy

([110]) ASV, *Fondo Gonfalonieri*, vol. 29, f. 525 : " Molto Illustre e Rev.mo Mons.re, come fratello. Ha inteso N. Sr. che l'Arcivescovo d'Angamali nell'Indie è tanto vecchio, che ben presto può mancare, nel qual caso, dubitandosi che il Patriarcha Alessandrino [!] non suscitasse di nuovo la pretensione che mostrò una volta d'haver à proveder à quella chiesa, ha risoluto S. Stà. di scrivere l'accluso breve all'Arcivescovo di Goa, al quale si commanda che in casu mortis del sudetto Arcivescovo d'Angamale proveda d'un vicario ò sia administratore, acciò resti impedita ogni provitione che facesse il Patriarcha Alessandrino, che intendendosi che non la farebbe se non di qualche nestoriano, che cercaria di svellere quelle piante novelle della chiesa di Dio. S. Stà. ha preso questo espediente et mi ha ordinato scriverlo à V. S. con mandarle il breve affinche gli procuri buon ricapito, et che in conformità della buona mente di S. Bne. ella scriva all'Arcivescovo di Goa in essecutione di quanto se le commanda, aggiungendole tutto quello che sovverrà alla prudenza di V. S. che sia necessario per il buon esito di questo negotio nel quale non havendo altro da dirle per fine prego Dio le conceda ogni bene. Di Roma li 18 di Gennaio 1597 ". ANTÃO, *op. cit.*, p. 161-62 has published this letter.

([111]) ASV, *Fondo Gonfalonieri*, vol. 28, f. 743 : " All'arcivescovo di Goa. Havendo inteso la Stà. del Papa N. Sre., che l'Arcivescovo d'Angamali in coteste parti dell'Indie è tanto vecchio, che ben presto puo mancare, nel qual caso dubitandosi, che il Patriarca Alessandrino [!] non susciti di nuovo la pretensione che mostrò una volta d'haver a provedere à quella chiesa ha risoluto S. Stà. di scriver a V. S. Illma. il Breve che con questa le mando, nel quale le ordina, che in caso di morte del sodetto Arcivescovo d'Angamali

of this letter preserved in Rome is imprecisely dated, March 1597, the copyist having left out the date of the month when transcribing it; but it cannot be later than March 8, as Fabio Biondi in another letter of the same date to the Archbishop of Goa says that he is just about to depart for Rome ([112]). We have the following reference in a letter written by Menezes to Fabio Biondi on December 9, 1597 about the sending of the brief to Goa. "In another letter Your Excellency has informed me about a brief His Holiness has directed to me regarding the government of the Church of Angamale, as it was feared, that on the death of the Archbishop, who was very old, the Patriarch of Alexandria [!] might try to nominate someone to that Church, as he has done on other occasions. In this we can see clearly the assistance of the Holy Ghost in the Head of the Church and the vigilance and the pastoral care of His Holiness towards all the Churches; for, by the time I received the brief, the Archbishop had died, and the Church was being governed by the Archdeacon to whom all had promised obedience on oath, on the death of the Archbishop" ([113]). So the brief reached Goa some time before December 9, 1597; it could not have arrived

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proveda di un Vicario ò sia Administratore in quella chiesa acciò resti impedita ogni provisione che facesse il Patriarca Alessandrino, poichè l'intende, che non la farebbe se non di qualche Nestoriano che cercaria di eradicare quella novelle piante della chiesa di Dio. Così per ordine espresso di S. Stà. gliel'invio con queste navi che partono per cotesta volta, desideroso che venga à buon capito et a me non occure, che sopra di ciò lo dica altro; sapendo per il molto zelo che tien verso il servizio di Dio, e dell'obedienza che si deve a S. Stà. esseguirà quanto le vien commandato con ogni diligenza, e di ogni successo le piacerà darne avviso à S. Stà. Et pregandoli ogni vero contento le bacio le mani. di Lisbona il di ..... di Marzo 1597". ANTÃO, *op. cit.*, p. 162 has published this letter.

([112]) ASV, *Fondo Gonfalonieri*, vol. 28, f. 732v.

([113]) ASV, *Nunziat. Portugal.* 6, f. 341-2: "In un altra di V. S. Ill.ma mi si avvisava di un breve, che S. Stà. fece diretto a me sopra il governo della chiesa di Angamale, per il timore che si havea della morte dell'Arcivescovo per essere di molta età, et che per questo il Patriarcha Alessandrino [!] potesse tentar di provedere a quella chiesa, come fece altre volte, in che si vede chiaramente l'assistenza dello Spirito Santo nel capo della Chiesa, e la vigilanza et cura pastorale, che S. Stà. tiene, di tutte le chiese, perchè al tempo che io hebbi il breve, l'Arcivescovo era morto et la chiesa stava in poter dell'Archidiacono, al quale tutti havean giurato obedienza per la morte dell'Arcivescovo ....."

very much earlier, since it was dispatched from Lisbon only in the month of March ([114]).

Here, before proceeding to discuss how the second brief was put into execution, we have to see what Menezes did in Malabar after the death of Mar Abraham and before the arrival of the second brief. According to Gouvea, Menezes came to know of the death of Mar Abraham on February 16, 1597 ([115]) from a letter of the Viceroy while he was at Damão ([116]) during his canonical visit of the archdiocese, and he immediately hastened to nominate Ros as the vicar apostolic. But the Archdeacon, according to the tradition of the Church of the St. Thomas Christians and in virtue of the commission he had from the defunct Archbishop, had taken possession of the government of the Church and opposed the nomination of Ros. The Jesuit Fathers of Vaipicotta also thought it expedient to allow the Archdeacon to continue in office ([117]). So Menezes arriving in Goa after the visit, appointed in consultation with others the Archdeacon himself as the administrator on May 21, 1597, in spite of the prescription in the papal brief to nominate one of the Latin rite ([118]). He gave him, however, two counsellors, Ros and Stephen de Britto, then Rector of Vaipicotta, without whose consent, the Archdeacon was not to take any decision in matters of importance ([119]). But the Archdeacon was not prepared to accept the imposed conditions and the Fathers at Vaipicotta were also not inclined to press this issue too far ([120]). So the Archbishop of Goa made a third letter patent, this time nominating the Archdeacon as administrator without any restriction on his power. He was asked to make the profession of faith. The Archdeacon is said to have replied that he would do it on Maundy Thursday, which came four months later ([121]).

([114]) See note 111, p. 87-8.

([115]) GOUVEA, *Jornada*, f. 12.

([116]) Damão as already said in note 103, is situated nearly a hundred miles north of Bombay and was within the archdiocese of Goa.

([117]) See a letter from Stephen de Britto to Aquaviva dated January 3, 1600 : ARSI, *Goa-Mal.* 15, f. 1-2.

([118]) GOUVEA, *Jornada*, f. 12.

([119]) *Ibid.*, f. 12v.

([120]) See the letter of Stephen de Britto mentioned in note 117, where it is said that it was through the good offices of the Jesuit Fathers that the Archdeacon was appointed administrator and that they themselves had declined the honour twice.

([121]) GOUVEA, *Jornada*, f. 12.

Let us for a moment inquire with what authorization or in what capacity Menezes tried to intervene in the affairs of the Church of Malabar. We have already shown that he was not its Metropolitan. It would appear from the report of Gouvea referred to above ([122]) that the first brief of Pope Clement VIII was invoked as granting faculties to nominate an administrator after the death of Mar Abraham. But the brief did not give any such faculties. There the Archbishop of Goa was authorized to appoint a vicar apostolic, but only if Mar Abraham had to be deported to Goa for the conduct of the judicial process, on being found suspect of heresy in a preliminary inquiry. The brief *did* contemplate the eventuality of the death of Mar Abraham, as it gave Menezes powers to deny entrance into Malabar to any bishop not nominated by the Holy See coming there not only in the absence of Mar Abraham but also in case of his death. But when the brief speaks of the authority of Menezes to nominate a vicar apostolic, it is restricted to the circumstances in which Mar Abraham would have to be deported to Goa for trial. So in our opinion, the first two attempts on the part of Menezes to appoint an administrator for the vacant diocese, one in February 1597 and the other some time in May 1597, were both illegal and illicit. We do grant that Menezes had in reality faculties to nominate a vicar apostolic on the death of Mar Abraham, in virtue of the second brief which was dated January 21, 1597. But in his first two nominations he was presuming to intervene in the affairs of Malabar on the authority of the first brief which gave him no title thereto, and the second brief had not yet arrived nor had definite news of it reached him. It is because of this that we said that we have to consider his procedure illicit and illegitimate. We do not know the exact date of the arrival of the second brief, or when precisely the third letter patent was granted to the Archdeacon. Most probably this nomination took place only after the second brief was received. For, the brief was sent from Lisbon in March 1597, and the third nomination seems to have taken place some time in December 1597 or a little earlier ([123]), by which time the

([122]) *Ibid.* Here it is said that the nomination was made without prejudicing the prescription in the brief of the Holy Father to nominate an administrator of the Latin rite. Thus, although not explicitly named, the first brief of Clement VIII is identified.

([123]) The nomination is said to have been made about four months before Maundy Thursday (GOUVEA, *Jornada*, f. 12v). Maundy Thursday in 1598 fell on March 19.

Archbishop had received the papal authorization, as we have remarked above ([124]). In any case it is important for us to note that Menezes had nominated, or at least accepted the Archdeacon as the Administrator of Angamale, after he received the second brief. In this connection it is difficult to believe what Menezes writes to Fabio Biondi in his letter, dated December 19, 1597, so often quoted by us. There he says that he has not appointed anybody as administrator of the diocese ([125]). But as Beltrami has observed ([126]), we find from reliable sources the contrary to be true. We have a little earlier cited Gouvea. In a letter to the General of the Society Pimenta says : " The Archbishop of Goa, who was entitled not only as metropolitan, but also in virtue of apostolic briefs, to govern the Church during the vacancy of the see, confirmed the Archdeacon in office, wavering as he was in his obedience to the Holy See, lest he should fall into schism " ([127]). Similarly, in Stephen de Britto's letter is again clearly said : " He [the Archdeacon] knew well that he was appointed to that post [of governor] by the kind offices of the Fathers of the Society, as they had themselves declined it twice, and had given assurances on his behalf to the Archbishop of Goa who would not have placed him without scruple in such an office " ([128]). In the light of these clear affirmations to the contrary, it is difficult to accept the information furnished in the above-mentioned letter of Menezes as true to fact ([129]). Hence

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([124]) See note 113, p. 88.

([125]) ASV, *Nunziat. Portugal.*, 6, f. 341-42v : ed : *SBPP*, p. 12-13.

([126]) BELTRAMI, *op. cit.*, p. 122, note 79.

([127]) N. PIMENTA, *Nova relatio historica de rebus in India Orientali a Patribus Societatis Jesu anno* 1598 *&* 99 *gestis a R. P. Nicolao Pimenta visitatore Societatis Jesu ad R. P. Claudium Aquavivam ejusdem Societatis Praepositum Generalem missa*, Mainz, 1601, p. 146 : " Archiepiscopus vero Goanus, cui non modo tanquam Metropolitano, sed etiam litteris apostolicis iubentibus competit administratio illius ecclesiae sede vacante, Archidiaconum in obedientia Sedis Apostolicae vacillantem in officio continendi munus suscepit ne videlicet in schisma laberetur ".

([128]) ARSI, *Goa-Mal.* 15, f. 1-2 : " ... o qual [o arcediago] se ben entendeo que estava posto em tal posto [do governador] por meio dos Padres da Companhia, sendo que elles tinhão recusada duas vezes, e tinhão feito tal officio com o metropolitano de Goa, que não sem escrupulo o havia posto em tal estado ".

([129]) ANTÃO, *op. cit.*, p. 56-57 has put forward a new explanation. He says that the Archdeacon was to be installed in the office of vicar apostolic only on making the profession of faith in the presence of the Rector

the nomination of the Archdeacon as the vicar apostolic, said to have taken place after the Synod of Diamper ([130]) could not have been but a confirmatory measure.

A word has to be said about the Archdeacon now. From Gouvea and other writers ([131]) who wrote their accounts after the Synod of Diamper, mainly to eulogize the Portuguese success in " reducing " the St. Thomas Christians to obedience to the Church of Rome, the Archdeacon would appear to be a suspicious character with definite heretical tendencies, rebellious against the

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of the Seminary of Vaipicotta, this being a *conditio sine qua non*. For, Pimenta in his *Nova relatio* ... (see note 127, p. 91) has said: "Rectori terrae seu Vaipicottae mandavit ut Archidiacano litteras, quibus ipsum Archiepiscopus auctoritate Apostolica eius Ecclesiae gubernatorem renuntiabat, *hac lege redderet*, si ipse coram eodem Rectore fidei professionem solemnem faceret ". This was necessary, it is claimed, because, as testified by Abraham de Giorgiis, the Archdeacon was following Mar Abraham in all his heresies. It is further claimed on the authority of Pimenta that the Archdeacon refused to make the profession of faith as ordered. The conclusion is that the Archdeacon was not validly installed as vicar apostolic. We shall soon have something to say on the orthodoxy of the Archdeacon in the body of the dissertation. About the incidents connected with the profession of faith it would appear that the Archdeacon evaded the issue of the profession of faith, according to the Portuguese documents available. We, however, think that the correct appraisal of the situation would be the following. The Archdeacon must have resented being made to appear a convert to Catholicism from former heresies. For, the same thing happened during the Synod of Diamper also. When they were asked to make the profession of faith, the clergy and the people objected, protesting that they were not prepared to make the profession of faith as though they did not believe earlier. Only when Menezes pointed out that he himself had made the profession of faith before them, were they induced to comply with his request (GOUVEA, *Jornada*, f. 65). There is also a later letter of the Archdeacon's showing how strongly he felt about Gouvea's description of the St. Thomas Christian Church as formerly infected with heresies (see ch. IV, note 109, p. 152). So, we think, that most likely the same sentiments must have prompted the course of action of the Archdeacon in the present instance also. In answer to the other issues raised by Antão, we might say, leaving aside the question whether the profession of faith was put as a *conditio sine qua non* or whether the Archdeacon fulfilled it sufficiently by his oath at Vaipin, that the Archdeacon was nevertheless reported both by Pimenta and Stephen de Britto themselves (see notes 127 & 128, p. 91) to have been functioning as vicar apostolic for over a year, at least with the acquiescence of Menezes.

([130]) GOUVEA, *Jornada*, f. 112v.

([131]) Cfr. the letter of Pimenta referred to in note 127, p. 91.

supremacy of the Pope. Gouvea will have it that the Archdeacon and others had a convention in which they took an oath, that they would not receive any bishop except the one sent by the Patriarch of Babylon, claiming that Rome had nothing to do with their Church which was founded by St. Thomas and thus distinct from the one founded by St. Peter (132). This as well as many other similar statements in Gouvea are made with little consideration for the actual situation and with very little regard for the natural aspirations and reactions of a people who were hemmed in on all sides by insurmountable Portuguese power. We hope that, slowly, this fact will stand out. In our present case we are fortunate to have a letter of Ros's dated December 24, 1597, from which we have occasionally quoted before. In this letter speaking of the Archdeacon he says that he is quite orthodox in his faith, that he has no evil habits, and that he is wise and of very good judgement; and Ros even recommends that he be made the co-adjutor of the bishop to be appointed (133). The convention and oath described in Gouvea have also been referred to in Ros's letter. He says: "And all have taken an oath that if His Holiness would send as their prelate, not their Archdeacon, but a Latin, they would plead their case again with the H. Father" (134). The obedience to the Holy See is evident in the passage. They intend only to petition the Holy Father again, in case, a Latin prelate should be appointed to their Church instead of their Archdeacon. The constitutional attitude of the convention becomes all the more evident, in so far as, Ros himself has referred to the fine qualities of the Archdeacon and expressed his desire to have him nominated as the co-adjutor of the future bishop, precisely after describing the convention and oath. We must also advert to the fact that this report from Ros about the excellent qualities of the Archdeacon coincides exactly with the period of events referred to in Gouvea.

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(132) GOUVEA, *Jornada*, f. 12v.

(133) ARSI, *Goa-Mal.* 14, 357v: "... por esto pareçe ser cosa muy açertada mandasse cca por o nosso prelado un Chaldeo Maronita ou qualquer otro Chaldeo Catholico que no sea fraylos, y hazer a este su arçediago, su coadiutor, y assi estara todo bein conçertado, y cessaran desconfianças. Este arçediago es sincero en la fe, y no tiene ruines costumbres; es tambien sagaz y de muy buen iuizio".

(134) *Ibid.*, f. 357: "... y todos estan juramentados que si Sd. mandar prelado fuera de su arçediago, Latino, que tornaran a replicar a su Sd.".

To resume our story, it was under these circumstances that Menezes, in fulfilment of his obligations to execute the commission, entrusted to him by the papal briefs, and in the capacity of metropolitan, as he suppposed himself to be, came to Malabar to visit the churches and conduct the Synod. We have already described the different aspects of this visit earlier in the first chapter. Here, we mean to touch on only one question which is of importance for our evaluation of the situation. It is said that the Archdeacon resisted the Archbishop twice ([135]). One occasion was Menezes' conferring of Holy Orders on large numbers ([136]). This we have discussed in detail elsewhere ([137]). The other occasion when the Archdeacon defied the Archbishop was when the latter proscribed under pain of excommunication *latae sententiae*, the naming of the Chaldean Patriarch during the Holy Mass, as he was said to be a loathsome heretic not in communion with Rome ([138]). In the letters of the Jesuit Fathers before the Diamper Synod, we find often, as we have noted above, the idea that the main root of the abuses in the Church of Malabar was its attachment to the Church of Chaldea. They tried in all earnestness to sever all such connections. But we have found no reason to believe that the Patriarch was ever considered a heretic not in communion with Rome. So, as we said above, the name of the Patriarch was mentioned during the Holy Mass, even at the Jesuit residence of Vaipicotta. And it was there that the Archbishop fulminated his decree of excommunication in spite of the counsel given by the Jesuit Fathers to the contrary. But curiously enough, the letters written by the same Jesuit Fathers after the Diamper Synod, all depict the Chaldean Patriarch who had to nominate bishops for Malabar, as a heretic and schismatic. It seems as if in this matter, they were somehow or other persuaded to accept the Archbishop of Goa's views ([139]). This Patriarch who was named during the Holy Mass and who was subsequently solemnly anathematized in the Synod of Diamper ([140]) was none other than Simon Denha, otherwise known as

([135]) Letter of Ros dated December 2, 1611 : ARSI, *Goa-Mal.* 17, f. 2-3.

([136]) GOUVEA, *Jornada*, f. 38.

([137]) See ch. p. 21sq.

([138]) GOUVEA, *Jornada*, f. 29v.

([139]) We can judge how well-informed Menezes was about the question, by the simple fact that he has confused the Chaldean Patriarch with the Alexandrian.

([140]) See ASV, *Nunziat. Portugal.*, VI, f. 340-41 ; GOUVEA, *Synodo Diocesano*, f. 6.

Simon IX, who was the successor of Yab Allah pertaining to the Catholic line of succession in the Chaldean Patriarchate, beginning with Simon Sulaka. There is absolutely no doubt about his orthodoxy. Card. Tisserant in his article on the Chaldean Church, speaking of the line of patriarchs (1551-1662) who were in union with the Church of Rome has alluded to the opposition Simon Denha constantly faced from the Nestorians, because of his allegiance to Rome (141). Similarly Beltrami in his oft-quoted work, speaking about Mar Simon, refers to the report of Leonard Abel, the Papal Nuncio, who has praised the attachment of the Chaldean Church to Rome during the time of Simon Denha in spite of furious persecutions (142).

We certainly have no intention of justifying all that the Archdeacon did during the visit of the Archbishop. It might be true that the Archdeacon did not show the allegiance due to the Archbishop as the commissary of an apostolic mandate ; but we cannot find fault with him for protesting against the arbitary interference (as we shall show) of the Archbishop in the affairs of the Church of Malabar. And to proscribe, under pain of excommunication, the custom of naming in the Holy Mass the Chaldean Patriarch, who was the legitimate head of the Church and in perfect union with Rome, was, to say the least, unpardonable ignorance on the part of Menezes. But the Malabar Church was helpless at that time and had to bow to the Portuguese power. Rome was too far away, and there was not only nobody to represent and sponsor the Malabar Church in Rome, but even for the writing and delivering of letters the Syrian Church in Malabar was entirely at the mercy of the Portuguese. So Menezes had his way. The Archdeacon and the Malabar

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(141) E. TISSERANT, *Nestorienne* (*l'Eglise*) in *DTC*, t. XI, col. 230 : " Yahballaha IV, qui était déjà vieux au moment de son élection, mourut à la fin de 1580, sans avoir pu envoyer sa profession de foi à Rome. S. GIAMIL, *op. cit.*, p. xxxiv. Il eut pour successeur l'évêque de Gélu, Séert et Salmas, Simon Denha, qui s'était converti depuis peu du nestorianisme avec tout son troupeau. Elie, métropolite de Diarbékir, qui avait été l'auteur de cette conversion, fut choisi comme procureur par le synode électoral, pour aller à Rome demander en faveur du nouveau patriarche la confirmation de son élection et le pallium. Lettre du synode au pape, *ibid.*, p. 88-90 ; exposé du procureur au Cardinal Caraffa, p. 90-97. Toujours en butte aux contradictions des Nestoriens, qui avaient l'oreille des autorités turques, le patriarche fixa sa résidence au monastère de Saint-Jean, près de Salmas en Perse, où s'était tenu le synode électoral ".

(142) BELTRAMI, *op. cit.*, p. 81.

Church, humiliated, had to bend to the ordinances of the Portuguese prelate who finally succeeded in calling the Synod.

§ 3 *The Two Briefs and the Synod of Diamper*

Having cleared up the circumstances through which the briefs were obtained, the faculities they delegated, and the way in which they were put into execution, we shall now directly inquire into the relation of the two briefs to the Synod of Diamper.

The first observation we have to make is about the relation of the two briefs between themselves. Both the briefs give faculties for the nomination of a vicar apostolic, but in different circumstances and under different conditions. In the first brief, the vicar apostolic is to be appointed only if Mar Abraham, being found suspect of heresy on a first inquiry, is to be taken to Goa for the formal process and would thus have to be absent from his diocese. In the second brief, the situation contemplated is the vacancy of the Church of Angamali on the death of Mar Abraham. In the first brief, the appointed vicar apostolic can be removed at will by the Archbishop of Goa, and another can be appointed instead; no such faculty is granted in the second brief. Again, in the first brief, the vicar apostolic to be appointed should be one of the Latin rite, while the second brief does not impose any such restriction. And finally, the vicar apostolic according to the first brief, should abstain from functions pertaining to the Episcopal Order while enjoying full powers of jurisdiction, whereas no such limitation is prescribed in the second. So it is evident, that although both the briefs speak of the appointment of a vicar apostolic, they refer to two entirely different situations and with quite dissimilar restrictive conditions. It is clear, therefore, that with regard to the appointment of the vicar apostolic, Menezes had to abide by the second brief and not by the first. Concerning the other provisions in the first brief, e. g., the one with regard to the inquisition into the life and doctrine of Mar Abraham or anyone else under suspicion, one might hesitate to decide. On the one hand, after Mar Abraham's death, the inquisition into the doctrine of others suspected of error can be considered to have lapsed if it is taken as an incidental issue relative to the inquiry into Mar Abraham's life and doctrine. On the other hand, since the relation between the two inquisitions is not quite apparent, Menezes could not

be found fault with, if he had proceeded against any other suspects, even after the death of Mar Abraham. About the commission not to allow any bishop other than the one appointed by the Holy See to enter Malabar and take possession of the Church of Angamali, the provision is to be considered effective, since nothing to the contrary is said in the second brief, and the conditions in which the first brief was given continued to be present.

So, to sum up, on the reception of the second brief Menezes had three commissions to fulfil: (i) appointing a vicar apostolic as per the second brief; (ii) inquiring in virtue of the first brief into the case of any one suspect of heresy or error in the Church of Malabar; (iii) preventing the entry of any bishop into Malabar except the one appointed by the Holy See, as prescribed in the first brief.

Could any one of these faculties alone or in combination have entitled Menezes to celebrate the Synod of Diamper?

Before proceeding further we have to take cognizance of the fact that Menezes did not claim to legitimize the convocation of the Synod with the two briefs, in the way we have set forth above. His claim was that the two briefs gave into his hands the entire administration of the vacant Church ([143]). He acted as such, visited the churches, confirmed, ordained, made and unmade laws, and threatened everybody with excommunication who dared to question his authority. It is difficult for one to understand how Menezes could have convinced himself that by the briefs he had become the Administrator or the Metropolitan of the Malabar Church. Having the power to appoint an administrator, was he led to think that he himself could do all that one appointed by him was entitled to do? Menezes should have certainly known the very simple prescription of Canon Law that authority to nominate a person does not carry with it the faculty to do by oneself what the one to be appointed is empowered to do. But, burning with zeal to rectify some of the abuses in Malabar and impatient to intervene in the affairs of Malabar and exert the Portuguese influence in a territory which had so far successfully eluded it, he might have been led to interpret the law in a rather loose way.

It is not enough to show that the claims Menezes put forward were unfounded. We have further to see whether even in a more limited way than the one taken by the Archbishop of

([143]) See p. 47-8.

Goa, the convocation of the Diamper Synod could be ligitimized by the two briefs.

From what we said about the faculties given by the two briefs, it is evident that there is no mention whatever of the conducting of a diocesan synod. Let us, however, inquire whether, in a virtual way, and owing to the combination of the special circumstances in which the briefs were to be executed, faculties for the convocation of a diocesan synod were included. This is a very important question for our thesis and as there exists marked difference of opinion on this issue we propose to study it in some detail.

What are all the powers to be considered implicitly contained in a given faculty? What are the norms by which we can conclude that authorization to do a certain thing is implicitly contained in a delegated faculty?

We are here concerned only with faculties delegated by the Pope. Consequently we need not discuss the limits of authority of the one who delegates as a limiting factor of delegation. Besides, we are also not discussing here general delegations such as are given to apostolic visitors, "*cum omnibus facultatibus necessariis et opportunis sive in spritualibus sive in temporalibus ad idem munus rite implendum*". The very nature and terms of these delegations are quite general and indefinite and it will be difficult to set a clear cut limit to their authority. What we have in mind here are only those particular commissions such as nomination of some one to an office, making of a judicial inquiry in a certain case etc. It is with this type of delegation that we have to deal in our case.

When somebody is entrusted with a commission the one who entrusts it might have an ulterior end in view; and this end, can in one way be said to be contained in the commission, as every means to an end implicitly contains that end. But the question before us is whether the ulterior aim of the one who delegates *ipso facto* falls within the competence of the delegate. There can be no two answers to this question. Unless the ulterior aim also is specifically and independently recommended to the executor, it cannot be considered as falling within his competence. As it is said, "*Finis legis non cadit sub lege*", it can also be said that, "*Finis delegationis non cadit sub delegatione*". It is for the legislator to choose from among the various possible means that which seems to him suitable for the common good. So also it is for the one who delegates to choose from among the different possible ways and prescribe that which he

thinks suitable to achieve the end he has in view. Of course, one who delegates a faculty can specifically and independently recommend to the executor also the aim he has in view. In that case there may be said to be actually two delegations, one with regard to the end to be achieved and the other with regard to the chief means to be employed. From what we have said it follows that the ulterior aim or end of the one who delegates a faculty cannot be considered as implicitly contained in the delegation and consequently the delegate is not entitled to enlarge the given powers even with the idea of realizing the final end of his commission. At the same time it must also be said that when the final end of the one who delegated the faculty is known the mode of execution has to be so adapted as to achieve that end. This does not give the executor more powers; this only determines the way in which the mandate has to be carried out.

We have considered whether an ulterior aim is implicitly contained in a given faculty. There is another related question. What is the norm for judging that a certain means is inherent in a given commission? It can be said that all necessary means for its successful fulfilment are inherent in a commission (144). Otherwise a mandate cannot be considered to be reasonable. Here, however, some explanation seems necessary. 'Necessary means' may perhaps admit of a certain latitude of interpretation. But in the present context it is to be taken in the strict rather than loose sense. A necessary means is that without which the mandate cannot be properly executed. Besides, if it is to be a 'means' in the real sense of the word, it should be something proportioned to the end namely, something which by its nature is adapted to procure the prescribed end. If, on the contrary, by 'necessary means' one understands anything that may be even very distantly and remotely helpful or conducive to the end, then the delegation of a faculty would mean the conceding of unlimited powers. Similarly if one is at liberty to choose any means whatever and not necessarily those that are proportioned to, or commesurate with, the end to be achieved, again delegating a faculty can be like issuing a cheque which the delegate can fill in as he pleases. We can, perhaps, make this clearer by an example. Let us take the case similar to the one we actually have.

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(144) Cfr. F. X. WERNZ, *Jus Decretalium*, 1915, t. II, par. II, n. 558: "Denique generatim delegatus habet omnem potestatem sine qua mandatam sibi jurisdictionem exequi non potest".

Let us suppose that the Pope has authorized an archbishop to appoint a vicar apostolic in a diocese outside his province. Let us also suppose that in a particular case the executor finds that only a person with episcopal dignity can be vicar apostolic in that see with any degree of success. Will that circumstance authorize the executor of the mandate who, as we have supposed, is a bishop himself, to proceed to the episcopal consecration of the proposed candidate? We do not think anyone will answer in the affirmative. This is because the consecration of one as bishop is a measure superior to and not proportioned to the appointment of a vicar apostolic. Such a measure can be attempted only when larger liberty of choice of means than is usually implied, is explicitly granted, and the proposed measure comes within the prescribed limit. Otherwise all that the executor can do is to have recourse to some stop-gap measures without prejudicing the principal issue. In an extremely rare case when any delay would not only mean jeopardising the main issue but would be fraught with very grave and irreparable consequences, one might perhaps presume an interpretative will of the higher authority and go beyond the given commission and take a further step, provided it can be justified in comparison with the serious consequences it would avert in time.

From what we have said above, the sense in which a delegated faculty should be considered effective is evident ([145]). A delegated power can be considered effective in two ways, either as a means to an end or taken by itself. It is considered effective as a means to an end when the ulterior purpose of the one who has given the delegation is substantially realized by the execution of the mandate. A faculty is to be considered effective taken by itself (as distinct from a means ordained to an ulterior end) when one is able to put into execution the mandate in such a way that what is prescribed is substantially fulfilled (without referring it to any ulterior purpose). Now, every delegation is intended to be effective in the second way; otherwise it cannot be considered reasonable. And consequently every delegation should entitle the executor to use any means necessary for its successful implementation, provided the means employed is proportioned to, and commensurate with, the end to be achieved. But every delegation need not be effective as a means to an ulterior end in the mind of the one who has delegated the

([145]) We cannot understand the distinction given by ANTÃO, *op. cit.*, p. 49, n. 36 between *nuda potestas* and *efficax potestas*.

faculty. The delegate has to abide by the terms of his delegation and it is not within his power to exceed his commission, even when he knows the ulterior motive. He is entitled to do so only when, as we said above, the aim or ulterior motive of the negotiation is specifically recommended to him.

Now let us come to our instance. The Archbishop of Goa was entrusted by two briefs of Clement VIII with the commission of appointing a vicar apostolic in the see of Angamali. In the first brief the Archbishop of Goa is asked to see that no one other than the Pope's nominee occupies the see of Angamali; but at this time the see of Angamali was occupied by Mar Abraham and the nomination of a vicar apostolic does not quite appear in the brief as a means to impede its occupation by someone else ([146]). In the second brief, authorization to nominate a vicar apostolic is given without mentioning anything about the possibility of others intruding in the see. In Card. Aldobrandini's letter to Fabio Biondi and the latter's to Menezes, both written in connection with the second brief, it is clearly stated that the Holy Father has adopted this expedient precisely because it is feared that someone from Chaldea might presume to come and occupy the vacant see of Angamali, as was formerly done ([147]). Now the question is whether the Pope's aim that no one other than his nominee should be installed as bishop in the Church of the St. Thomas Christians, is recommended to the Archbishop of Goa distinctly and independently of the nomination of a vicar apostolic. We do not think it is; neither in virtue of the second brief, where there is no mention of the Pope's ulterior motive, nor wholly in virtue of Card. Aldobrandini's or Fabio Biondi's letters, as both of them only comment on the Pope's mind without delegating by themselves any special authority. But nevertheless, we think, that since the first brief is not revoked on this point, Menezes was still authorized to see that no one other than the Pope's nominee came and governed the St. Thomas Christians, as we have stated elsewhere ([148]); and the relation between the two commissions is made manifest by Card. Aldobrandini's and Fabio Biondi's letters. The same, however, cannot be said about another motive of the Pope in the delegation of

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([146]) The administrator was to be appointed only in case Mar Abraham was found guilty on a preliminary inquiry and had to be taken to Goa for the formal process.

([147]) See notes 110, & 111, p. 87-8.

([148]) See p. 97.

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authority to Menezes. In both the briefs — though, as shown elsewhere ([149]), we need take into consideration only the second brief here — it is said that the Pope thinks it expedient to get someone nominated to the vacant see, so that the Church of Angamali might not suffer any detriment temporally or spiritually ([150]). But this motive is not recommended to Menezes specifically and hence Menezes is neither obliged nor entitled to see that the Church of Angamali suffer no loss in temporal or spiritual matters, apart from his providing a vicar apostolic.

So to proceed with the argument — we are here mostly repeating that we have stated at the outset ([151]) —, there were only three commissions entrusted to Menezes: (1) to nominate a vicar apostolic to the vacant see of Angamali; (2) to see that no one other than the Pope's nominee be installed as bishop therein; (3) to examine anyone suspect of heresy and censure anybody found guilty in the Church of Malabar. It is true that the delegation in (2) is the motive of (1) but for all practical purposes we can take them separately as they are distinctly and independently recommended to the Archbishop of Goa.

The question to be resolved is whether the celebration of the Synod of Diamper can be justified as implied in any of these faculties according to the principles discussed above. It should, however, be remembered that we are not inquiring whether, in general a diocesan synod could have been conducted in virtue of the faculties given by the Pope. We are asking whether the particular diocesan synod conducted at Diamper by Menezes with its avowed aims and intentions stands legitimized or not. The questions are really distinct. One might concede the first without accepting the second. In order to prove that the authority to conduct a diocesan synod might be implied in another given faculty, it is sufficient to show in a general way that the conduct of a synod — and a diocesan synod can be conducted for different purposes — might be necessary for the fulfilment of the entrusted commission. But in order to demonstrate that the authority to conduct a particular synod was contained in another given faculty, it has to be shown that the main purpose of that particular synod *de facto* was to enhance the execution of the enjoined commission. Otherwise, it must

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([149]) See p. 96-7.
([150]) See the text of the briefs in notes 83 & 109, p. 72, 85.
([151]) See p. 96-7.

be demonstrated that authority to conduct a diocesann synod for any purpose whatsoever is implied in the given faculty.

Of the three commissions we mentioned above, as far as we know, only the first one, namely the authority to appoint a vicar apostolic, has so far been adduced as containing implicitly faculties for conducting the Synod of Diamper. The line of argumentation pursued is as follows ([152]). Pope Clement VIII wanted no one other than his nominee to occupy the see of Angamali ; he also wanted the Church of Angamali not to sustain any detriment in temporal or spiritual matters. With this end in view he authorized the Archbishop of Goa to nominate a vicar apostolic to administer the vacant see. The Pope wanted all the above-mentioned things to be effectively executed : the barring of entrance to any intruder into the see of Angamali, Angamali's not sustaining any temporal or spiritual loss and the appointing of a vicar apostolic. And to achieve these effectively the Synod of Diamper was a necessary means ([153]). It is argued that for the effective nomination of a vicar apostolic nothing would have been more helpful than hearing the opinions of the clergy and the faithful. This, however, was not possible unless a synod was convened and the necessity of obeying the Pope's command inculcated ; as all prior attempts at nominating other persons had been futile and there were influential people in Malabar who intended proceeding to Babylon to bring down a bishop. So in these circumstances nothing was left to the Archbishop of Goa but to convoke the Synod. Besides, the Archbishop was endowed with jurisdictional authority. He could have enjoined on the clergy and the people that they should receive the vicar apostolic appointed by him, and that they should not receive any other person into their midst as bishop except the Pope's nominee. And since Menezes knew from experience that nobody except the Archdeacon himself, who was not a reliable man in his eyes, could function with any degree of success as vicar apostolic, he was entitled to legislate and set in order the things which so far had remained confused. It follows therefore that Menezes had authority both to convoke a synod of the clergy and the people and do so legislating. Hence the Synod of Diamper was legitimately conducted.

We have no intention of going into this rather over-stretched argumentation, point by point. By the positive exposition of

([152]) ANTÃO, *op. cit.*, p. 46.
([153]) *Ibid.*, p. 52.

the subject, we hope that many of the assumptions will be recognized as false or unfounded. We want here only to draw attention to a few questions of importance.

It is claimed that the Pope wanted that all his commissions should be effectively executed. Here a distinction has to be made. From what we have said above it is clear that while Menezes was entitled to see any intruder into the see of Angamali turned out and the nomination of a vicar apostolic effectively executed, he had no claim to see that the Church of Angamali suffered no temporal or spiritual loss, apart from his providing a vicar apostolic, as this aim of the Pope is not distinctly recommended to him.

Another point we want to make a note of is that the reasons given above, if conclusive, go only to show that Menezes *could have convoked* a diocesan synod to ascertain the views of the clergy and the people concerning the nomination of the vicar apostolic and to legislate a few things in that connection. For the sake of argument let us concede this, for the present. Even then, does it follow that the conduct of the Synod of Diamper stands legitimized ? It has to be shown further, positively, that it was for these avowed reasons that the Synod of Diamper was *de facto* convoked. Without this additional step the argumentation is not conclusive. It will prove only that Menezes had faculties to convene a synod for a certain purpose ; it does not show that the Diamper Synod was in reality convoked, principally to achieve that purpose. And it is useless to try to do so, as the facts are so patently contrary. We have already shown that when Menezes convoked the Synod of Diamper, he never thought of justifying his action with his faculty of nominating a vicar apostolic ([154]). He thought that the whole government of the Church of Angamali was in his hands and straightaway wanted to reform all that he thought to be abuses in that Church. If we go through the acts of the whole Synod, we will be hard put to it to find a single sentence about the nomination of a vicar apostolic. In the inaugural address the scope of the Synod is clearly outlined as the thorough reforming of the Church of Malabar ([155]). To associate this with the effective nomination of the vicar apostolic would be purely imaginary.

Not only *de facto* had the Synod no relation to the nomination of the vicar apostolic, but it seems to us, that, if we

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([154]) See p. 47-8.

([155]) Gouvea, *Synodo Diocesano*, f. 1.

consider the circumstances in which the Synod was conducted, even the possibility of relating it to the nomination of the vicar apostolic would appear to be quite slim. For already for a year and a half the Archdeacon had been functioning as vicar apostolic, with the acquiescence, at least, of Menezes, as we have shown elsewhere ([156]). The only remaining pretext that could be brought forward was that the Archdeacon was an undesirable man for the post, and since nobody else could function with any chance of success, he had to be nominated, while at the same time measures were to be taken to see that the sacred trust invested in him was fulfilled religiously. And the Synod of Diamper would be a norm for his government ([157]). About this kind of reasoning, first of all it should be remembered, as we have pointed out elsewhere, that many of the remarks of Gouvea on the character and orthodoxy of the Archdeacon were based on prejudice rather than on fact. The Archdeacon's main fault was that he did not give Menezes a free hand to meddle in the affairs of Malabar. Even if the Archdeacon were an unreliable man, we do not see how Menezes, after a year and a half's acquiescence, could have interfered in the matter without further authorization from Rome. He was bound to stand within the limits of the second brief, which alone was to be taken into consideration in the matter of the appointment of the vicar apostolic and this second brief, unlike the first, did not give any faculty to remove the vicar apostolic once appointed. And to imagine that a synod of the magnitude of that of Diamper with such far-reaching changes was intended merely to serve as a norm for the provisional office of a vicar apostolic, would appear, to say the least, far-fetched and unrealistic.

For the sake of argument we granted in the beginning, that the line of reasoning adduced above would only prove that Menezes *could have convoked* a diocesan synod for the nomination of a vicar apostolic. But need even this be readily granted ? It might be sometimes necessary to hear the opinion of the clergy and the faithful in council, for the effective nomination of a vicar apostolic, although this would be rather an extraordinary procedure. We can also subscribe to the opinion that it might be necessary to enjoin a few things on the assembled. But we are rather hesitant to take such a convention for a diocesan synod in the proper sense of the word. It might per-

([156]) See note 129, p. 92.

([157]) ANTÃO, *op. cit.*, p. 54 and p. 89.

haps be called a diocesan synod in a loose way. We are inclined to think that a convention, to merit the name of diocesan synod in its proper and strict sense, should be convened by the bishop of the place to discuss and settle laws of the diocese that should have some permanency ([158]), and not merely for some temporal appointments. Of course the business of temporal appointments can be transacted in a diocesan synod; what we mean to say is that that alone cannot be aptly described as sufficient matter to constitute a diocesan synod, in the strict sense of the word.

Let us now take another hypothesis. Let us suppose that the Synod of Diamper was actually convoked and convened by Menezes for the sake of executing the mandates of the Pope. It is true that Menezes has said in the convocatory letter that the Synod of Diamper was going to be held in fulfilment of the commission entrusted to him by the Pope. But he thinks that the briefs entrust him with the whole government of the vacant diocese, and that it is incumbent on him to get the supermacy of the Pope solemnly recognized by the people, and the Church of Malabar thoroughly reformed. We have shown that this was going beyond his commission. What we want to do for the present is to assume that the Synod of Diamper was conducted in furtherance of the legitimate commissions of Menezes namely the three things we have mentioned earlier; or to be more specific, in connection with the nomination of a vicar apostolic. The question to be solved then would be whether, even in that hypothesis, the Synod of Diamper could be legitimized? It is on this assumption that demonstration of the legitimacy of the Synod has been attempted ([159]). We think, however, that even on such a supposition one cannot justify the Synod of Diamper. We have to take the Synod as it is, i. e., not merely as a diocesan synod in a generic way, but as a synod with certain substantial qualifications. If we do not take the Synod of Diamper as one which re-organized the entire Syrian church discipline, introducing in not a few instances drastic changes, we have no Diamper Synod at all. Hence the question put squarely would be whether such a synod can be justified as a means for the

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([158]) It is difficult to reconstruct with exactitude, the laws bearing on diocesan synods as they were in the XVI century. With the Council of Trent diocesan synods became fairly frequent. The principal idea inherent in diocesan synods, as in other councils, was the enactment and enforcement of laws for the government of the Church.

([159]) ANTÃO, *op. cit.*, p. 52.

effective nomination of a vicar apostolic. Our answer is definitely in the negative. First of all it is extremely difficult to conceive of such a synod as a *necessary* means for the effective nomination of a vicar apostolic. As we said above, one can understand the possibility of a convention where a few things are enjoined upon the assembled as a preliminary step towards the nomination of a vicar apostolic. But this is in no way a real description of the Synod of Diamper. And even if we suppose that in the particular circumstances obtaining in Malabar a synod in line with that of Diamper was actually necessary for the effective nomination of the vicar apostolic ([160]), even in that case, we think it would still be *ultra vires* for Menezes to conduct a diocesan synod of that sort without ampler faculties. We find absolutely no proportion between the nomination of a vicar apostolic and so fundamental a step as the conduct of the Diamper Synod where the entire church discipline was thoroughly re-organized. Such evidently disproportionate and superior means cannot be employed by the executor even in an extraordinary case where it might appear necessary, without recourse to higher authorities, unless greater liberty in the choice of means than is usually implied, is explicitly conceded to the executor and the step contemplated comes within prescribed limits.

In our case, it must be noted that the Pope had not given any special liberty in the choice of means or the like. There is nothing to this effect in the brief. Nor can the clause in the letter written by Card. Aldobrandini to Fabio Biondi, " Your Beatitude, out of your good-will, will write to the Archbishop of Goa about the execution of the brief what the brief itself instructs you, *adding thereto all that would recommend itself to your prudence as necessary for the successful outcome of this commission* ", — nor can this be construed to mean that a larger margin of choice in the means to be employed was provided. Apart from other considerations the very phraseology seems to be quite generic which can be said of the execution of any commission. Besides it might be observed, that if at all anything special is given — granting this merely for the sake of argument — it is given to Fabio Biondi and not to the Archbishop of Goa. For in Fabio Biondi's letter to the Archbishop of Goa, which is written more or less in the same words as Card. Aldobrandini's, the above-mentioned clause is absent ([161]).

([160]) This is the position taken by ANTÃO, *ibid.*

([161]) See note 110 & 111, p. 87-8.

Then there is the excuse made about the distance from Rome and the difficulty of communicating with the Holy See ([162]). It is true that usually it took nearly a year for letters from India to reach Rome. But we cannot at all understand what urgency there was in our present case for effecting the reforms made in the Synod of Diamper. On the contrary it was a situation which needed *slow* and careful handling. Rome was well informed of the confused state of affairs in Malabar during the last years of Mar Abraham. And it was precisely to rectify things slowly and fruitfully that the Pope wanted a bishop appointed directly by himself to govern the Church of Malabar in future. Such a bishop would be in a better position to eradicate gently any abuse that might have been prevalent in Malabar. And even if there had been urgency, the executor, as we said above, could have had recourse only to some stop-gap measures. Only in a very extreme case where any delay would have meant very serious and irreparable consequences, a step beyond one's mandate, but justifiable in comparison with the imminent calamity which it would prevent, could have been attempted. No stretch of imagination will show that Diamper Synod was such a move. No one has attempted that approach in defence of the Synod. But a milder contention that history actually proved that the Synod of Diamper was the right step which restored peace and order in Malabar has been put forward ([163]). Apart from the fact that such a statement would not by itself vindicate the titles of the Synod of Diamper, we think that historically it is totally unfounded. We shall show in the latter part of our dissertation that in order to earn the good-will of the faithful, one of the first things that had to be done by Ros who was consecrated Bishop of Angamali soon after the Synod, was to convoke another synod and repeal many of the enactments made at Diamper and practically disavow the Synod of Diamper ([164]).

A final consideration, and we shall be at the end of this overlong argument. The Pope when he heard of what Menezes had done in Malabar gave his blessing to the doings of Menezes. Has not the Pope, by showing his satisfaction with the things accomplished, validated the Synod, rectifying any defect that might have been present in the negotiation ? Here we are not

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([162]) See ANTÃO, *op. cit.*, p. 50.
([163]) ANTÃO, *op. cit.*, p. 53.
([164]) See ch. IV, note 64 sq., p. 131 sq.

speaking of the approbation of the Synod ; that question will be taken up later on. For the present we are inquiring whether the Pope's blessing on the Synod supplemented the lack of authority on the part of the convener. The Pope had given a certain commission to the Archbishop of Goa and he should certainly have remembered the limits in which it was to be fulfilled. Hence if the Pope did not only not show his discontentment but showed positively his pleasure, must not this be taken to mean that he approved Menezes' manner of acting and that if anything was lacking before, it was now supplemented ? This, at first sight, may look probable. We have, however, to keep in mind that revalidation can have place only when the Holy See or any other competent authority, keeping in mind the defect of a negotiation either specifically or generically ([165]), expresses its mind to remedy it. It can be done explicitly or even implicitly ; but a mere apostolic blessing or tribute of praise canno tbe considered as implicitly validating all defects. This does not require much proof when applied to negotiations which are not undertaken in Holy See's name. Mere praise from the Holy See for such undertakings can hardly be conceived as containing validating powers. But, even about the execution of a delegation of Holy See's, a general expression of praise or satisfaction from the Holy See cannot be considered as implying its will to remedy any defect in the negotiation. This is particularly true of negotiations which, although undertaken on the Holy See's delegation, are not explicitly described as such in the document of praise. For, in such circumstances the very fact that the negotiation has been really accepted as executed in the Holy See's name is not sufficiently attested. We think that even in a case where the Holy See says in a general way that a certain thing has been done by an inferior executor in accordance with its mandate, this need not be construed as implying that the Holy See has remedied any defect that might be present. Although the Pope can certainly be considered as having in mind the conditions of his delegation, it would be going beyond his intention, to find in a general praise of the successful fulfilment of the delegation, a mind to rectify those defects that might be present and are not positively contemplated. Many a time such defects may imply serious breaches of third party rights and all

([165]) This is so true that even when the decrees of a council are approved by the Holy See, unless stated otherwise, the invalid decrees continue to be such. See ch. IV, note 49, p. 125.

these cannot be considered condoned and rectified by a general expression of praise. Now in our case, it is true that the Pope praised Menezes' undertakings; but this was done in quite general terms only. Besides it is important to note that there is nothing in the document of praise to show the Pope's acceptance of the Synod as something done in accordance with his delegation. We have, on the contrary, positive indications to show that the Pope was perhaps led to consider the Synod of Diamper as a provincial council of Goa ([166]).

So far, we have tried to look at the argumentation which justifies the line of action taken by Menezes with his faculties for appointing a vicar apostolic. One might instead, attempt to defend the holding of the Synod on the ground of his faculties to inquire into the life and doctrine of those who were suspect of error or heresy. But, thereby, his position does not seem to be any better. One absolutely fails to see what plausible bearing the Synod of Diamper had on the examination or trial of such cases. The faculty was granted him to conduct an inquiry personally or through an appointed vicar apostolic, about anyone suspect of error in faith. So, for the exercise of this function, there should be, first of all, real doubt about somebody and then individual cases had to be proceeded with. But no such inquiry whatever was made into the life or doctrine of anyone during the Synod. The Synod occupied itself with framing laws binding on the whole community and making provision for the government of the Church. And besides, all the assembled had already before the Synod given unmistakable signs of orthodoxy by strictly observing all the prescriptions which a Catholic community of the Latin rite would observe on similar occasions.

There is no need to consider the third faculty invested in Menezes, namely to bar entrance into Malabar of any bishop other than the one sent by the Holy See. As we have said above, the Portuguese police were not only effectively screening all the passengers who reached Ormuz, the port through which the prospective Chaldean bishops had to come; they had even taken stringent measures to censor the correspondence between Malabar and Chaldea.

We cannot also think of any combination of the three commissions which would place Menezes in a better position as regards legitimate titles for the holding of the Synod of Diamper.

([166]) See ch. IV, note 39, p. 121.

So our conclusion is that the two briefs gave no power whatever to Menezes to conduct the Synod of Diamper.

To recaptitulate briefly the points we have touched on in connection with the claim raised on the two briefs of Pope Clement VIII. We have shown that both the briefs are genuine and authentic and free from substantial defects. The first brief was partly, in so far as the nomination of the vicar apostolic was concerned, abrogated by the second. Neither of the two briefs makes Menezes the administrator of the vacant diocese, as he claimed to be. They do not say anything whatever about the conduct of a diocesan Synod; nor could such a faculty be deduced in any way from the two briefs.

Thus both the titles officially put forward by Menezes fall. They have been shown to be not only untenable, but so wantonly proposed as to leave one wondering how Menezes could have persuaded himself to believe in their adequacy. We might perhaps find a partial answer to his confused way of thinking and acting in the confused and fluid situation in Malabar. For while holding to the fact that what Menezes did in Malabar in connection with the Synod of Diamper was *ultra vires* and ill-advised, we can also appreciate how the situation in Malabar should have influenced him. The last days of Mar Abraham were shrouded with charges of heresy and whatever be the real fact, there was certainly a *prima facie* case against him. Besides there were Syriac books, sometimes with rather serious errors in faith, perserved in Malabar. The association of Menezes with Malabar began only with those troubled times. So we can understand how his doubts on the orthodoxy of Mar Abraham radically influenced all his dealings with Malabar. As the Primate of India he had a certain responsibility for keeping a vigilant eye on the purity of the faith in the surrounding dioceses. It was certainly part of his role to inform Rome correctly of the situation in Malabar, and to recommend to the Holy See any steps that had to be taken. Our only complaint is that Menezes of his own accord precipitated the issue, when it had been already cautiously taken up, and was being carefully handled, by Rome.

Chapter IV

APPROBATION OF THE SYNOD

We have established that the Synod of Diamper was conducted without legitimate titles ; and it is with this background that we are entering into the question of the approbation of the Synod. Most of those who have written about the Synod's recognition by Rome have taken for granted that the Synod was a valid one, legitimately conducted according to the sacred canons, and it is from this assumption that they start.

It was Raulin, it seems, who explicitly affirmed for the first time, that the Synod and its acts were approved by the Pope. He says: "He [Menezes] was overwhelmed with joy on the reception, in a short while, of a brief of Pope Clement VIII, imparting apostolic blessing to him, and assuring him benevolently that the holding of the Synod was a work most pleasing to God and himself, and that the arduous labour of putting into execution the decisions of the Synod was a most praiseworthy endeavour ... His Holiness also ratified and confirmed the acts [of the Synod] " (1). Raulin generally depends for his information on Gouvea ; but Gouvea has not affirmed so explicitly the approbation of the Synod of Diamper. He has in the preface : " On the occasion of this great service to God, who accomplished his designs through the instrumentality of Dom Frey Alexis de Menezes, Metropolitan Archbishop of Goa, there was great appreciation and rejoicing not only here in India, but also in Europe wherever the news of its importance reached ; and even in Rome it was feted with great rejoicing, from where our Lord the Holy Father, Clement VIII, had entrusted him with this commission by two briefs, who [now] showed his good pleasure by an apostolic blessing " (2). Again in *Jornada*, Gouvea says : "Not only did

(1) Raulin, *op. cit.*, p. 58 : " Gaudium hoc ipsi cumularunt litterae parvo interjecto tempore acceptae a Summo Pontifice Clemente VIII, per quas eidem & Apostolicam impertiebat benedictionem, & humaniter significabat, Deo sibique gratissimam fuisse Synodi celebrationem, & operam sane egregiam in rebus Synodi usu constabiliendis, strenue collocatam ; ... Acta insuper cuncta roboravit, confirmavitque ".

(2) Gouvea, *Jornada*, f * 3v : " ...Que quando Deos foy servido de dar a execução seus desejos, por meyo do Reverendissimo Senhor Dom Frey

His Holiness, Pope Clement VIII, provide this Church with a Latin bishop, but also, on being informed of all that the Archbishop had done on his mandate, showed great satisfaction and gave infinite thanks to Our Lord for the same. His Holiness sent his apostolic blessing to the Archbishop in token of his great appreciation of the labour he had undertaken for the good of these souls " (3). Gouvea in both these places speaks only of an apostolic blessing given to Menezes for his work especially at the Synod (4); but Raulin who has taken his information from Gouvea, as can be seen on a comparison with the passage from *Jornada* referred to above, has, nevertheless, averred that the acts of the Synod were ratified and confirmed by Pope Clement VIII. Other writers like Mullbauer (5), Jann (6), and v. Pastor (7), have also similarly taken for granted the approbation

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Aleixo de Menezes Arcebispo Metropolitano de Goa, & Primas de todo este Oriente, foy por estremo estimada & celebrada, assi nestas partes da India, como em todas as de Europa aonde chegou a noticia, & importancia della, & ainda em Roma, aonde o Santo Padre Clemente VIII, nosso Senhor, que por seus Breves lha tinha encomendada a festejou com estremada alegria, & agardeceo com sua Apostolica benção ".

(3) *Ibid.*, f. 130 : E nam sô proveo a Santidade do Papa Clemente oitavo esta Igreja de Bispo latino, mas sendo informado de tudo o que o Arcebispo fizera por mandado seu, teve muyto contentamento, & deu por isso infinitimas graças a nosso Senhor mandando sua Apostolica benção ao Arcebispo com muitos agradecimentos dos trabalhos que pello bem destas almas tinha levado ... ".

(4) ANTÃO, *op. cit.*, p. 114 supposes that Gouvea has said that Alberto Laerzio brought with him the Pope's blessing. He does not give page reference to Gouvea. We could not find any such passage in Gouvea's work, search as much as we could.

(5) M. MULLBAUER, *Geschichte der katholischen Missionen im Ostindien von Vasco di Gama bis zur Mitte des 18. Jahrhunderts*, Munich, 1851, p. 166, " ... so dass er erst am 16. November 1599 nach Goa zurückkam. Papst Clemens VIII. bestätigte bald darauf die Synode und überschickte mit dem Jesuiten P. Albert Laërzio eine syrische Presse ... ".

(6) A. JANN, *Die katholischen Missionen in Indien, China und Japan. Ihre Organisation und das portugiesische Patronat vom 15. bis ins 18. Jahrhundert*, Paderborn, 1915, p. 169 : " ... Nach einer beinahe einjährigen Abwesenheit kehrte der vielverdiente Oberhirte endlich am 16. Nov. 1599 wieder nach Goa zurück.

Klemens VIII. bestätigte die eingesandten Konzilsakten und nahm nun auch seinerseits eine Neuordnung der Bistumsverhältnisse vor ... ".

(7) L.v. PASTOR, *Storia dei Papi*, vol. XI, p. 498 : " Nel 1599 tenne Alessio a Diamper, nel regno di Cochim, un sinodo nel quale fu realizzata

of the Synod by the Holy See, depending as they do, on Raulin ([8]). Most of these authors seem implicitly to refer to the brief of Clement VIII, *Divinam Dei*, of May 19, 1601, for this approbation. Antão Gregorio Magno has tried to defend such a position, finding in the brief a formal, although implicit, approbation of the Synod ([9]). Even the brief *Multam in Domino* of the same Pope has been brought forward by some as a papal document of benediction on the work accomplished by Menezes in Malabar ([10]).

Other authors have viewed the question from a different angle. Korolevskij, in his study on the sources of the Chaldean and Malabar church discipline says : " The Synod of Diamper was only a diocesan synod, and as such, was not to be examined at Rome according to the Constitution *Immensa* of Sixtus V. All the same, it has always been considered as the principal code of Malabar, and the Holy See has, in default of a better one, many a time insisted on its observance " ([11]). Beltrami, after having shown that the brief *Divinam Dei*, does not contain any formal papal approbation, makes the opinion of Korolevskij his own ([12]). C. de Clercq in his article *Diamper*, in *Dictionnaire*

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l'unione dei nestoriani. Clemente VIII insieme alla conferma delle decisioni sinodali inviò per mezzo del gesuita Alberto Laerzio una machina tipografica ... ". See p. 144, note 89.

([8]) Cfr. BELTRAMI, *op. cit.*, p. 125, note 83.

([9]) ANTÃO, *op. cit.*, p. 82.

([10]) CASIMIRO CHRISTOVÃO DE NAZARETH, *Mitras Lusitanas no Oriente*, Lisbon, 1894, p. 92 : " E escusado dizer quão celebrada foi esta redução dos christãos nestorianos do Malabar á fé catholica, assim na India como em todas as partes da Europa, aonde chegou a noticia e importancia d'ella, e ainda em Roma aonde Clemente VIII que lha tinha encomendado, a festejou com extremada alegria e agradeceu com sua Apostolica benção em seu breve *Multam in Domino* de 1 abril 1600 ". The text reads more or less like the one in Gouvea's preface except for the fact, that the apostolic blessing is said to be granted by the brief of April 1, 1600.

([11]) C. KOROLEVSKIJ, *Classification et valeur des sources connues de la discipline chaldéenne*, in *Codificazione canonica orientale* : *Fonti* fasc. VIII : *Studi Storici sulle fonti del diritto canonico orientale*, Rome, 1932, p. 705 : " Le Synode de Diamper est un Synode diocésain, à ce titre, il n'avait pas à être revu à Rome en vertu de la constitution *Immensa* de Sixte Quint. Néanmoins, il a toujours été regardé comme le code fondamental du Malabar, et, faute de mieux, le Saint-Siège en a plusieurs fois inculqué l'observation ".

([12]) BELTRAMI, *op. cit.*, p. 124-25, note 83.

de Droit Canonique (13) has said nothing on this subject, but in a longer study, in his work on the more recent Oriental Catholic Councils, after saying that Clement VIII issued a brief praising in general terms the work of the Synod, refers to Beltrami, and makes the same conclusion as Korolevskij : " The Synod of Diamper was only a simple diocesan synod ; there was therefore no need to have it approved at Rome " (14).

The position of the author of *Subsidium ad Bullarium Patronatus Portugalliae* with regard to the approbation of the Synod, may be considered perhaps to agree more with the latter, than the former of the two groups we have described above. He says : " Altogether unreasonably the authority of the Synod of Diamper has been whittled down on the pretext that it was not approved by the Holy See. For sure it has never been directly approved ; nor could that be, in accordance with the general canon law, as the Synod was but a diocesan one. But the Holy See has indirectly recognized its authority, has praised it, and has in many instances enjoined its observance ". The author then goes on to give, as instances of this attitude of the Holy See, the prescription in the Constitution of the Third Order of Syro-Malabar Carmelites, approved by the Holy See, regarding the observance of the days of fasting enjoined by the Synod of Diamper ; and secondly, the decrees of the Sacred Congregation of the Propagation of Faith, concerning the printing of the Syriac missal with the corrections introduced by Menezes in the Synod (15).

Castellucci, without clearly determining whether the acts of the Synod of Diamper were actually approved, says : " The acts of provincial and national councils, beginning with those of the council conducted at Diamper in South India, in which the union of the Syro-Malabarians with the Church of Rome was restored on a definite footing, were given to the Cardinals of

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(13) C. DE CLERCQ, " *Diamper* ", in *Dictionnaire de droit canonique*, t. IV, Paris, 1949, col. 1207-10.

(14) C. DE CLERCQ, *Histoire des Conciles*, t. XI, p. 67 : " Le Concile de Diamper n'était qu'un simple synode diocésain, il n'avait donc pas à être examiné et approuvé à Rome ".

(15) *SBPP*, p. 51 : " Inepte Synodus Diamperitana detrahitur sub praetextu ejus non approbationis a S. Apostolica. Certe numquam fuit approbata *directe*, neque poterat secundum legem canonicam communem, cum illa synodus tantum sit dicecesana ... *Indirecte* tamen Sedes Apostolica Diamperitanam Synodum saepe recognovit et laudavit et in multis jussit speciatim observari ". See also *ibid.* p. 55-58.

the Clementine Congregation, to be examined and approved by them " ([16]).

Before closing this list of authors who have in one way or other spoken about the question, we might quote the opinion of two who hold that the Synod was not only not approved by the Holy See, but was not legitimately conducted either. Placid, after quoting from Beltrami on the question of the non-approbation of the Synod, adds : " To us it seems that Dom Menezes had no title to conduct the *Diocesan Synod* of Diamper " ([17]). Similarly, although not so pronounced and definite on the point of the illegality of the Synod, Coussa has : " Moreover, the Synod was not confirmed by the Holy See. It was convoked and presided over by Dom Menezes, Archbishop of Goa, of Latin rite to whom Clement VIII had given a commission only to appoint a vicar apostolic for the vacant see of Malabar until the Holy See should provide the same Church with a pastor, and to inquire into cases of (Nestorian) heretics and institute regular (judicial) process against them, either personally or through the vicar apostolic he would appoint " ([18]).

For the sake of completeness we might here adduce what Giamil has to say about the approbation of the Synod. He observes : " It is worth noting here that the above-said Synod

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([16]) A. Castellucci, *Il risveglio dell'attività missionaria e le prime Origini della S. C. di Propaganda fide*, in *Le Conferenze al Laterano* 1923, Rome, 1924, p. 194 : " Dai Cardinali della congregazione Clementina furono infine sottoposte ad esame per essere approvate le costituzioni dei sinodi provinciali e nazionali a cominciare da quello celebrato a Diamper (1599) nel sud dell'India nel quale la unione dei Siro-Malabarici con la chiesa Romana fu definitivamente sanata ".

([17]) Placid, *Fontes Juris Canonici*, *Fonti* : ser. II, fasc. ix, Rome, 1940, p. 7 note 1 : " Nobis videtur Dom Menezium nullum habuisse titulum celebrandi *synodum dioecesanam* Diamperitanam ". Placid has evolved his arguments briefly, as we said in our preface, in a manuscript study presented to the S. Oriental Congregation.

([18]) A. Coussa. *Epitome praelectionum de jure ecclesiastico Orientali*, vol. III, *De Matrimonio*, Rome 1950, p. 219 : " Praeterea Synodus non fuit a Sede Apostolica confirmata. Eam convocaverat, eique praefuerat Archiepiscopus Goanus Menezes, Ritus Latini, cui Clemens VIII munus dumtaxat demandaverat designandi Vicarium Apostolicum vacanti sedi Malabarensium donec idem Romanus Pontifex eidem ecclesiae de pastore providerit, et in hereticos (Nestorianos) inquirendi et contra eosdem, per se vel per Vicarium Apostolicum quem elegerit, procedendi ".

was never approved by the Holy See " (19). He does not say anything further on the subject.

We shall now, after having reported what others have said on the question, discuss, (1) whether, by the brief *Multam in Domino* or *Divinam Dei*, the Synod was approved by the Pope, and (ii) whether the *Clementine Congregation* or any other competent authority examined the acts with a view to approbation. After having thus cleared the ground we shall proceed with the more interesting part of the story of the approbation of the Synod revealed by new documents.

Multam in Domino is a brief sent by the Pope Clement VIII to Menezes to congratulate him for his zeal in working for the conversion of non-Christians (20) in the Archdiocese of Goa. It is dated April 1, 1599, a few months ahead of the Synod of Diamper and therefore it certainly cannot refer to the Synod. The brief has been invoked in connection with the Synod, owing to inattention either to the date, (which sometimes has been wrongly given) (21), or to the fact, that it mentions the conversion of " gentiles ", which had nothing to do whatever with the work of Menezes among the St. Thomas Christians. (Here too, the text was sometimes incorrectly published) (22). The text of the brief has been edited more than once (23).

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(19) GIAMIL, *Genuinae Relationes* ..., p. 610 : " Operae praetium duco hic adnotasse etiam quod nunquam memorata Synodus a S. Sede fuit approbata ".

(20) Menezes, before coming to Malabar, made extensive visits in his archdiocese, during which he converted many pagans. Reference to these visits is made in a letter written on November 21, 1598 by the King of Portugal to his Viceroy in Goa in which he congratulates the Archbishop for his work and grants him a subsidy of 5000 pardãos. *BPPA*, t. I, p. 145. The papal brief also refers to the same.

(21) RAULIN, *op. cit.*, p. 30, after giving the date as April 1, 1599, thinks that it ought to be of 1598, erroneously supposing that the brief was received by Menezes in 1599 during his visit to Malabar. Gouvea, however, does not say that Menezes got the brief while in Malabar (*Joranda*, f. 41v). Cfr. *SBPP*, p. 14, footnote. CASIMIRO CHRISTOVÃO DE NAZARETH, *loc. cit.*, has given the date erroneously as April 1, 1600. The copy in the Vatican archives, *ASV*, Arm. 44, n. 43, f. 151 has the date April 1, 1599.

(22) RAULIN, *op. cit.*, in the introduction, among " *elogia et testimonia* " (pages not numbered), citing the text gives " convertendis gentibus ". Similarly *BPP*, vol. I, p. 259, adds " laudat Pontifex Archiepiscopum Goanum ob ejus zelum in reducendis ad fidem catholicam christianam Nestorianis Ecclesiae Malabaricae ". Cfr. also *ibid.* p. 335. The correct version

The other brief *Divinam Dei* of Clement VIII, dated May 19, 1601 ([24]), deserves our more serious attention. We shall first describe the circumstances in which the brief was granted. Some time after the Synod of Diamper, Albert Laerzio, left Malabar for Rome as a deputy to the Congregation of Procurators ([25]) of the Society of Jesus. He took with him, before leaving Malabar, a letter of the Archdeacon to His Holiness the Pope dated November 25, 1599 ([26]), together with a copy of the acts of the Synod. For, we can reasonably deduce that the copy of the acts of the Synod of Diamper brought by Laerzio and now preserved in the Jesuit archives in Rome ([27]) is the one which

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" in convertendis gentilibus " is given in *Jornada*, f. 41v, and *Corpo Diplomatico Portuguez*, t. XII, Lisbon, 1902, p. 80. The copy in the Vatican archives (see note previous) has « in convertendis gentilibus. ». Cfr. ANTÃO, *op. cit.*, p. 77 & 78, notes 131 & 132.

([23]) The different editions are mentioned in the previous footnote.

([24]) ASV, Arm. 44, no. 45, f. 131-35 : ed. *Corpo Diplomatico Portuguez*, t. XII, p. 99-102.

([25]) FERROLI, *The Jesuits in Malabar*, vol. I, p. 276.

([26]) The letter is preserved in ASV, *Fondo Borghese*, vol. 92b, f. 362-363v : ed. BELTRAMI, *op. cit.*, p. 253-56. We have spoken about this letter in our introductory chapter.

([27]) The Portuguese copy of the acts of the Synod of Diamper preserved in the Jesuit archives, ARSI, *Fondo Gesuitico*, n. 721, VI, 1, has on its last page two notes in two different hands : (i) " Ao pe. Alberto Laerzio Procurador da India Oriental da Compa. de Jesu ", and (ii) " Synodo d'Angamale portado dal P. Laertio Alberto Procuratore del'India Orientale ". As is evident the first one was written in India, when the acts were given to Albert Laerzio. The second note was added after they had been taken to Rome. ANTÃO, *op. cit.*, p. 135 thinks that perhaps this codex was brought to Rome by Laerzio after the revision of synodal decrees effected by Ros in 1603. Every particular given in this document agrees with the Synod of 1599, and not with that of 1603. The only possible way to mistake this document for the synod of 1603 is by supposing that the document was revised with regard to some of the decrees alone, keeping the particulars and circumstances (e. g. the place, persons etc.) of the Synod of 1599 intact. This in itself is a very unlikely hypothesis. We can however, positively show that the document in question does not contain anything from the revision of 1603. Although there is no date on the document we can be fairly sure that it was brought by Laerzio to Rome in 1599/1600. It is stated on the manuscript itself, as we have noted above, that it was brought by " Laertio Alberto Procuratore del'India Orientale ". Now Laerzio went to Rome only twice, once in 1599/1600 and the second time in 1619. Both times he went as Procurator. But in 1599, there was only one Jesuit province in India and he was its representative (FERROLI, *op.*

the Archdeacon sent along with his letter to the Pope ([28]). Hence we can also conclude that Laerzio who brought the acts of the Synod was also the bearer of the letter of the Archdeacon. In the Archdeacon's letter among other things is said: "All this will be clear from the acts of the same Synod, which, together with the present letter, we are sending to Your Holiness, that Your Holiness may deign to bestow your holy and apostolic blessing on them, or command them to be rectified, if need be, and send us the corrected and approved acts for unfailing observance in our diocese" ([29]).

At the time of the writing of this letter, Menezes had (after his visit to Malabar) already entered Goa ([30]). It was therefore immediately under the direction and influence of the Fathers of Vaipicotta that the Archdeacon's letter was written ([31]). It is also evident that they intended to get the acts of the Synod approved by the Holy Father. When Laerzio came to Goa he

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cit., p. 276) while in 1619 there were two provinces, those of Goa and Cochin (Malabar); and it was as the representative of the latter that Laerzio went the second time (FERROLI, *op. cit.*, p. 379). The description "Procuratore del'India Orientale" agrees better with Laerzio on his first trip. Besides Laerzio had to deal with the affairs of the Synod of Diamper during his stay in Rome 1600/1601, as we know from his own letter (see note 71, p. 136). It is unimaginable that Laerzio who was going to Rome to negotiate the business of the Synod, should have not taken along with him the acts of the Synod. In 1619 when Laerzio went to Rome a second time the question of the Synod did not come up for consideration. From all these points we can reasonably conclude that ARSI, *Fondo Gesuitico*, n. 721, VI, 1, was brought to Rome by Laerzio in 1600. It is to be noted that Antão supposes that the manuscript under question is being preserved in the Archives of Chiesa di Gesù, Rome. It was there, when Antão wrote his dissertation in 1937. Many years ago, it seems, at the outbreak of the Second World War, the whole Archives of Chiesa di Gesù was removed to the Archives in the Jesuit General's House. We have given its present collocation. For more information about the document see Appendix, § 3, a, i, p. 192-3).

([28]) For reasons see Appendix, § 3, a, ii. p. 192-3.

([29]) The Latin text is as follows: "atque haec omnia constant ex ejusdem synodi actis, quae ad Sanctitatem Vestram una cum hac epistola mittimus ut eadem sancta et apostolica benedictione dignetnr, vel si visum fuerit emendari jubeat, emendataque et approbata ad nos remittat in hac nostra dioecesi inviolabiliter observanda".

([30]) Menezes reentered Goa on November 16, 1599. GOUVEA, *Jornada*, f. 127v.

([31]) See what we have said about the letter in our introductory chapter.

was entrusted with some letters and gifts by Menezes to be taken to Rome (32). One of the letters was for Fabio Biondi dated December 22, 1599, and we read in it : " Together with this letter there are two others for Our Lord [the Pope] adjoined to a map of certain places ; one of these treats of a certain bishopric of the ancient Christians of St. Thomas, whom I have brought back to obedience to the Church of Rome in fulfilment of a mandate of His Holiness. After strenuous labours [on my part] and [my encountering] perilous situations, as the Church was spread over 17 principalities of infidel kings, they began to see the true light and gave obedience to the Church of Rome. To this end I assembled them and conducted a Synod of which I think it is necessary the acts be sent to His Holiness. I have given orders that the text be forwarded to Your Excellency through the Jesuit Fathers. I shall be greatly obliged if you could present it to His Holiness and obtain an apostolic blessing on it " (33).

It is natural to suppose from the letter quoted above that Laerzio was requested by Menezes to do what he could to procure the Pope's apostolic blessing on the Synod. But the letter

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(32) We know that Albert Laerzio was given, by Menezes, a coconut shell inlaid with silver for Fabio Biondi. ASV, *Fondo Gonfalonieri*, vol. 31, f. 385 has : " Agoura terceira vez mando a V. S. pelo P. Alberto da Companhia de Jesu que vai a essa Corte huma casca grande de Coco de Maldiva guarnecido de prata ". It is evident that Laerzio was also the bearer of this letter. Together with this letter were others for the Holy Father (see the following note). We also know from one of Menezes' letters that Laerzio actually presented his letter to Fabio Biondi. See note 93, p. 145.

(33) There are three copies of the same letter preserved in the Vatican Archives. ASV, *Fondo Gonfalonieri*, vol. 31, f. 385, 394, 396. First is of la *via*, second of 2*a via*, and third of 5*a via*. The first one is more carefully written than the other two. ANTÃO, *op. cit.*, p. 162 has published a part of this letter. The original of the text referred to reads : " Com esta serão duas cartas para Nosso Senhor iuntamente com hum papel de certos lugares ... numa dellas trato d'hum bispado dos Christãos antigos de São Thome que fui reduzir a obediencia da Igreja Romana em comprimento d'hum mandado de Sua Sanctidade no que depois de passar grandes trabalhos e perigos por estar aquella igreja espalhada em dezasete reinos de infieis, com tudo vindo a luz da verdade derão obediencia a Igreja Romana e por isto os ajuntei em Synodo que com elles celebrey a qual me pareceo necessario mandar a Sua Sanctidade e tenho dado ordem como se mande a V. S. por via dos Padres da Companhia, sera tambem para mim merce muy grande appresentallo a S. Sanctidade e alcançar sobre elle sua apostolica benção ... ".

does not permit us to suppose that the acts of the Synod were given to Laerzio. The letter seems, on the contrary, to imply that the acts were to be forwarded (perhaps owing to delay in getting the text ready), through some other Jesuit Father ([34]).

So, with the letter of the Archdeacon to the Pope and the copy of the acts of the Synod given to him in Malabar and some other letters and gifts from Menezes, Laerzio took the boat from Goa, some time late in December in 1599 or early January in 1600 ([35]).

Laerzio, therefore, had commission with regard to the affairs of the Synod from both Malabar and Goa. On his way to Rome he stopped, or at least intended to break journey for some time, at Lisbon ([36]). He then proceeded to the Eternal City.

On arriving in Rome, Laerzio began to negotiate about the affairs of the Synod of Diamper. In this connection, certainly under his inspiration and direction, a report ([37]) was drawn up concerning the Malabar Church. The report was presented to Card. Severina, better known as Santori, on March 24, 1601 ([38]), and the Cardinal spoke about it to the Holy Father in an audience given to him on March 29, 1601 ([39]). During the audience

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([34]) For reasons see Appendix, § 3, a, i, p. 192-3.

([35]) See the following note.

([36]) On January 1, 1600, John Campori writes to Laerzio and addresses his letter to Lisbon. ARSI, *Goa-Mal.* 15, f. 23.

([37]) Many copies of the report are preserved. There is one in the Vatican Archives, ASV, *Fondo Borghese*, III, 124d, f. 268-72v. BELTRAMI, *op. cit.*, p. 257-63 has published the text from this source. There are two other copies in the Propaganda Archives : *Miscel.*, vol. 17, f. 23-27v and *ibid.*, f. 79v-83v. CASTELLUCCI, *op. cit.*, p. 226-29 published the text from one of these two copies. There is yet another copy in the Jesuit Archives, ARSI, *Goa-Mal.* 15, f. 685-87v. On f. 688v we read : " Relaçam dos Christãos de S. Thome que deram obediencia ao Pappa o anno 1599 - estão 200 mil. Ad historiam Societatis ". Cfr. also ANTÃO, *op. cit.*, p. 80, note 139.

([38]) *Arch. Prop. Fide, Miscel.*, vol. 17, f. 79v-83v is a copy of the report, as we indicated in note 37. On f. 79v, we read : " All'Illmo. et Rmo. Sign. mio ossmo., Il Signor Card. Sta. Severina " and on f. 83v bottom : " accepi die 24 martii 1601 a Pre. Alberto Procuratore Jesuitarum Indiae Orientalis ".

([39]) ASV, Arm. 52, vol. 22, f. 232 : ed. BELTRAMI, *op. cit.*, p. 242 : " Con Nostro Signore, giovedì 29 di marzo 1601 dopo la congregatione del Santo Officio. Della relatione ch'io ho havuta dal Padre Alberto, Procuratore dei Gesuiti dell'India Orientali, delli Christiani chiamati di S. Tomaso, del rito caldeo, che sono nei regni della Serra, nell'India Orientale et vescovato di

a copy of the report was given to the Holy Father to be passed on to the Cardinals of the Clementine Congregation of the Propagation of Faith (40). Actually a copy of the report was already in the hands of Card. S. George, one of the members of the Clementine Congregation, on March 25, 1601 (41). In this report there was a request for a brief from the Holy Father as an expression of the Pope's satisfaction at the things accomplished in Malabar. We read in the report: " First of all (if it pleases His Holiness), let a brief be sent to them which could be read in the principal church where the bishop resides on a solemn day of the year when there would be a great concourse of priests and people. In the brief they should be congratulated on the resolution they have taken etc., and the Pope should present himself to them as their father and pastor, having solicitude for all their needs and showing them signs of paternal affection ". It should be noted here that there was no request for an approbation of the Synod in the report. What it said on the matter was as follows: " The Archbishop of Goa has written a letter to His Holiness on this subject and gives information about the state of the Church. He has also forwarded the acts of the said council which are being translated into Latin and will be presented to His Holiness, on completion of the translation " (42). It was, in all probability in conformity with this wish, expressed

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Angamale et di Coccino, ridotti all'obedienza della Santa Romana Chiesa quest'anno 1599, con l'occasione del concilio provinciale di Goa; che ne do la copia a Sua Santità a ciò che si possa mandare per manus de' Signori Cardinali della Congregatione de Propaganda Fide ". Card. Severina in informing the Pope about the Synod of Diamper, has mistaken it for one of the provincial councils of Goa.

(40) About the Clementine Congregation, see CASTELLUCCI, *op. cit.*

(41) In the copy of the report preserved in the Arch. Prop. Fide, *Miscel.*, vol. 17 f. 23-27v referred to in note 37. On f. 27v we find this note at the bottom: " Transcripta die 25 Martii 1601 ab exemplari dato a P. Alberto procuratore Jesuitarum Indiae Orientalis. Remissa ab Illmo. Cardinali S. Georgii die III Maii 1601 ".

(42) The original reads: " Inprimis (se cosi giudicherà) gli scriva un breve che sia letto nella chiesa maggiore dove sta il vescovo, un giorno solenne dell'anno, quando si radunano li piu di sacerdoti et popoli, et nel breve si rallegri con loro della risolutione che hanno fatta etc. e se gli offerisca come Padre et Pastore per ogni loro bisogno, mostrandoli segni di amor paterno ... L'Arcivescovo di Goa ha scritto a Sua Santità una lettera sopra questa materia et l'informa del stato di quella chiesa, et ha ancora mandato il detto concilio che adesso si sta traducendo in latino, et finito, si darà a Sua Santità ".

in the report and recommended by the Cardinals of the Clementine Congregation, that the brief *Divinam Dei* was issued on May 19, 1601 (43).

As this brief has been considered by some as an approbation of the Synod of Diamper, we shall quote here the relevant part thereof: " Wherefore we are filled with great joy and pleasure in the Lord on hearing from many such letters that have been copiously sent to us (*de litteris hoc de genere copiose scriptis*) and on coming to know therefrom that our Venerable Brother the Archbishop of Goa, prompted by his devotion and zeal for the salvation of souls, has conducted a well-attended Synod of your priests with the presence of the most respectable laymen of your nation. In the Synod, under the inspiration of the Holy Ghost and with overwhelming consensus of opinion, the nefarious errors of Nestor have been rejected, anathematized and condemned by you, even as they had been already rejected, anathematized and condemned by the Holy See and the Oecumenical Councils ; books containing the contagion and venom of heretics were thrown into the fire or purged of errors lest they should ruin souls ; but what is of utmost importance is that you have accepted and professed the Roman Pontiff as the common Father of the faithful and the Head of the whole Church and have given him due obedience, as the kings, princes and all the Christians render "(44). It has been claimed (45), that although the Holy Father does not

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(43) Cfr. BELTRAMI, *op. cit.*, p. 260, note 1.

(44) The Latin text reads : " Quare magno gaudio magna in Domino voluptate repleti sumus, cum ex litteris hoc de genere copiose scriptis audivimus et cognovimus venerabilem fratrem archiepiscopum Goae, pro sua pietate et zelo divini honoris et salutis animarum vestrarum, synodum apud vos frequentem celebrasse sacerdotum vestrorum, praesentibus etiam viris primariis ex natione vestra, qua in Synodo Spiritus Sancti instinctu magno animarum consensu impii errores Nestorii a vobis rejecti et anathemate condemnati sunt, quemadmodum jampridem ab hac Sancta Apostolica Sede ab oecumenicis conciliis hujus quoque Sanctae Sedis congregatis reiecti, damnati et anathematizati sunt, tum libri haereticorum peste ac veneno infecti ne animas interficerent, igne sunt exusti aliique ab erroribus expurgati, sed illud maximi momenti quod Romanum Pontificem communem fidelium Patrem totius Ecclesiae caput agnovistis et professi estis, eique debitam obedientiam detulistis quam ei Reges et Principes et omnes Christiani unanimes praestant et deferunt '.. ".

(45) ANTÃO, *op. cit.*, p. 82 : " Non fuit illa quidem explicite approbata, cum Pontifex totidem verbis non dixerit : *approbamus synodum Diamperitanam* ; sed sine dubio fuit approbata implicite, licet generice, quia Pontifex

say in the brief in so many words, ' I approve the Synod ', nevertheless he has implicitly done so by praising the Synod and the things accomplished therein. It is contended, therefore, that here we have a formal, although implicit, approbation of the Synod of Diamper. We think that such a position is untenable. We have already alluded above to some authors who deny that there is approbation of the Synod in the brief under consideration. Beltrami says : " The acts of the Synod, whatever some may think of it, were never approved by Clement VIII. As anyone can see, here it is a question of a simple statement based on news from such letters copiously sent (*ex litteris hoc de genere copiose scriptis*), and not [a question] of any formal approbation " (46). Similarly, C. de Clercq has : " On May 19, 1601, Clement VIII addressed a brief to the new bishop, his clergy and the faithful in which he praised in general terms the work accomplished in the Synod " (47).

Let us inquire into the question a little in detail. First of all, as we have narrated above, the very context of the granting of the brief does not warrant our seeking in it a formal approbation of the Synod. We have shown how the brief was granted, in all likelihood in response to the desire expressed in Albert Laerzio's report where there is no request for an approbation of the Synod. But the main reason for saying that the Synod was not approved by the brief, is that the brief itself does not guarantee those effects, which a formal approbation, explicit or implicit, would carry with it.

The confirmation or approbation of the Holy See was obli-

Archiepiscopum Goanensem Synodum illam celebrantem laudibus cumulavit ... Igitur synodus celeberrima Diamperensis, de cuius approbatione iam diversimode auctores loquuntur, fuit a Clemente VIII approbata. Approbata quidem implicite ; sed approbatio implicita est vera et propria approbatio. Quae vero, cum in forma communi et generica data sit, non continet approbationem singulorum decretorum synodi ; quae eundem valorem habent ac haberent sine illa laude et generica approbatione pontificia ".

(46) BELTRAMI, *op. cit.*, p. 124-5 : " Questi atti del sinodo, checche ne pensino alcuni, non furono mai approvati da Clemente VIII ... (and then quoting the above-mentioned passage from the brief *Divinam Dei*, concludes) Come ognun vede, si tratta di una semplice narrazione, per notizie pervenute " ex litteris hoc de genere copiose scriptis " e non di una formale approvazione ".

(47) C. DE CLERCQ, *Histoire des Conciles*, t. XI, p. 67 : « Le 19 mai 1601, Clément VIII adressait un bref au nouvel évêque, à son clerge et aux fidèles dans lequel il louait en termes généraux l'œuvre du Synode ".

gatory only in the case of provincial and plenary councils. It was Sixtus V who made the ruling that, thereafter all provincial and plenary councils should be examined (*recognitio*) by the Sacred Congregation of the Council, before being definitely promulgated. Diocesan synods were not under this obligation ; and even when the acts of diocesan synods were sent to Rome, usually the Sacred Congregation of the Council refused to examine them ([48]). On the legal force of this approbation Wernz says : " This approbation is at once a *correction* as well as a *testimony*, probing into whether anything has been perhaps *enacted* or *done* in the decrees or acts counter to the common law, or savouring of harshness, or not in keeping with norms of sound reason, justice and canonical equity. Such a correction, which can hardly be effected without *deleting* or *adding* something, does not transform the decrees of the council into *pontifical* decrees or extend them to the *Universal* Church or render by supreme authority each and every provision in the decrees and acts *ratified* and valid, in case there are some false and invalid ones. At the same time one should not minimize this approbation, as if *it did not add to the authority* of the acts and decrees of a provincial council. For it is the authentic testimony of the competent superior that the council was *duly convoked* and *conducted* and that there is, after correction, nothing censurable. Wherefore, the decrees, although they remain decrees of the council, are, nevertheless, more easily executed and less fiable to impugnment " ([49]). This is the import of a formal recognition from the Sacred Congregation of the Council or Sacred Congregation of

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([48]) BENEDICTUS XIV, *op. cit.*, XIII, iii, III-VI.

([49]) WERNZ, *op. cit.*, t. II, par. ii, n. 835 : " Quae recognitio est *correctio* atque *censura*, qua expenditur, numquid fortasse in iisdem actis et decretis aut vigenti juri communi contrarium aut nimis rigidum aut minus rationi et justitiae atque aequitati canonicae congruum *actum* vel *statutum* reperiatur. Hujusmodi correctio, quae haud raro fieri non potest, nisi aliquid *dematur* vel etiam *addatur*, sane non efficit, ut decreta Concilii transformentur in decreta *pontificia* et ad *universalem* Ecclesiam extendantur, vel ut omnia et singula in actis relata et in decretis statuta, si forte aliqua sint falsa vel invalida suprema auctoritate *approbentur* aut valida reddantur, attamen non ita est deprimenda quasi *nihil auctoritatis addat* actis et decretis Concilii Provincialis. Etenim est testimonium authenticum superioris competentis Concilium *rite* fuisse *convocatum* et *celebratum*, neque in decretis, correctione facta, aliquid reperiri censura dignum. Inde fit ut decreta illa etsi maneant decreta Concilii, tamen facilius exsecutioni mandentur et ab impugnationibus magis sint immunia ".

the Propagation of Faith with regard to their respective fields of competence. It goes without saying that a formal approbation by an apostolic brief is a more solemn way of enhancing the above-said effects, which is not prescribed even for provincial councils and is not always granted ([50]). So when we say that the Synod of Diamper was not approved by the Holy See, not to leave room for any ambiguity, we mean that the Holy See has not even in an implicit way, attached a similar judgement to the Synod of Diamper.

It is true, as we said above, that such recognition was seldom given to diocesan synods. But, although it was contrary to the general practice, we do not deny the possibility of an exception in the case of the Diamper Synod on account of its unusual importance and peculiar circumstances. But no such approbation was given by the brief *Divinam Dei*. The Pope merely says that he is pleased with the news he has heard of the Synod and the things accomplished therein. To make this statement mean that the Synod was duly convoked and conducted and that it is free from censure (which is the import of an approbation) is in itself unwarranted. The position becomes absolutely indefensible when one adverts to the fact, that before the date of the brief, the acts of the Synod were not examined by a competent authority. For, as we have already said above ([51]), in the report presented, by Laerzio, in response to which the brief was given, it was clearly stated that the acts of the Synod were being translated into Latin, to be presented to the Holy Father on completion.

One might perhaps try to defend the position of those who see an approbation of the Synod in the brief *Divinam Dei*, by making a distinction between the approbation of a synod and that of its decrees. Thus it could be argued, that, the decrees were not approved by the brief, but only the synod in a general way ([52]). It may be that one can, in theory, make such a distinction. But, anyone conversant with the practice of the Holy See will know that no approbation of a synod in any form is given without its acts being first examined and usually no special approbation of some or all of the decrees is granted, as distinct from the general approbation of a synod; and approbation of a synod is in a general way a judgement also of its decrees.

([50]) *Ibid.*

([51]) See note 42 & 43., p. 122-3.

([52]) ANTÃO, *op. cit.*, p. 76sq. argues in this fashion.

We conclude, therefore, that the Synod of Diamper was not approved formally, even in an implicit manner, by the brief *Divinam Dei.*

Now it remains to see whether the Clementine Congregation had at a later date examined and approved the acts of the Synod. Castellucci, as we have noted above ([53]) says that the acts of Diamper were examined by this Congregation. We do not find any reason to suppose that the Clementine Congregation ever actually examined the decrees of the Diamper Synod. The Clementine Congregation came into being on August 10, 1599 ([54]). In the beginning it was called *S. Congregatio Sanctae Fidei et Religionis Catholicae.* The members of this Congregation were Cardinals De Fiorenza, Baronius, Antonianus, Bellarmine, Aldobrandini, S. George, Borromeo, Visconti and S. Severina. S. Severina was the main mover, and it was in his residence that the fortnightly sessions were held. It was this Congregation that treated of matters of the mission lands. From November 24, 1599, in the minutes of the meetings, the old name, *S. Congregatio Sanctae Fidei et Religionis Catholicae* is replaced by *S. Congregatio De Fide Propaganda.* Arch. de Propaganda Fide, *Miscel.* Vol. 17, contains the minutes of these meetings of the Cardinals, but it stops with July 17, 1600 ([55]). The Congregation must have functioned for some time more, as we find reference to *Cardinali della Congregazione de Propaganda Fide* in the diary of Card. S. Severina on March 29, 1601 ([56]). It was to Card. S. Severina, the prime mover of this Congregation, that Laerzio first presented his report on the St. Thomas Christians. It was again to a member of this Congregation, Card. S. George, that a copy of the same report was sent. And it was for circulation among the members of this Congregation that a copy of the report was given by Card. S. Severina to Pope Clement VIII during his audience on March 29, 1601. And as we have said above, we have every reason to suppose that it was at the suggestion and recommendation of the members of this august Congregation that the Holy Father wrote the brief *Divinam Dei* of May 19, 1601. With all this before us, we find no ground to conclude that the acts of the Synod of Diamper were examined by the Cardinals

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([53]) See note 16, p. 116

([54]) This and the following information we have taken from Arch. Prop. Fide, Miscel, vol. 17, f. 14sq. Cfr. also CASTELLUCCI, *op. cit.*

([55]) Arch. Prop. Fide, *Miscel.*, vol. 17, f. 77.

([56]) For this, and the details following, see notes 39-41, p. 121-2.

of the Congregation. There is no indication whatever to that effect. As we have said above, the Latin translation of the decrees was not yet ready when the afore-said report was drawn up and presented. Nor do we think that the question was resumed at a later date. Soon, on June 13, 1602 ([57]), the founder and prime mover of this first Congregation of the Propagation of Faith died, and with him also all the activities of the congregation. Only twenty years later was its cause again taken up and the Sacred Congregation of the Propagation of Faith was established, this time, on a durable basis. So we feel that there is no reason to suppose that the acts of the Synod were actually examined by the Clementine Congregation. Later on, we shall, in the light of fresh documents, positively show that the acts were not presented to the Cardinals ([58]).

We made a search in the archives of the Sacred Congregation of the Council ([59]), to see if perchance anything was sent there ([60]). No trace of evidence is available that the acts of the Synod of Diamper passed through the Sacred Congregation of the Council.

Only the Sacred Congregation of the Council and the Sacred Congregation of the Propagation of Faith were competent to examine and approve the acts of councils within their respective jurisdictions ([61]). It does not seem that councils as such, even those with decrees which explain the Catholic faith and doctrine, were examined by the Holy Office; and in some of the councils approved, for instance by the Sacred Congregation of the Propagation of Faith, decrees relating to the Catholic faith figure largely ([62]). The general practice, at least in the case of the

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([57]) CASTELLUCCI, *op. cit.*, p. 199.

([58]) See p. 144 where note 87 appears.

([59]) All thanks are due to the archivist, Mr. Mattironi Comm. Casmir, who wholeheartedly helped us in this endeavour. In the archives of the Sacred Congregation of the Council two registers are kept, one called "*Liber Litterarum*", where all letters and documents arriving in the Sacred Congregation are chronologically entered; the other "*Liber Decretorum*", where all decrees emanating from the S. Congregation find place again, in chronological order. For the period from 1599, the date of the Synod, till 1606, the date of the publication of *Jornada*, there is no entry about the Diamper Synod in either of these two books.

([60]) See a reference by Gonfalonieri to a letter of Menezes' to the Cardinals of the Sacred Congregation of the Council. ASV, *Fondo Gonfalonieri*, vol. 31, f. 395v.

([61]) WERNZ, *op. cit.*, t. II, par. II, n. 855.

([62]) Some of the councils conducted for the Orientals had many decrees

Propaganda, was that sessions of the Holy Office for similar questions were held in the *Propaganda* itself, and we have in witness of this the minutes of many a session of the Holy Office in the files of the *Propaganda*. With regard to the Synod of Diamper, we were not able to find any reference or allusion to an examination of its decrees by the Holy Office in any of the documents we examined.

We have so far shown that there is no reason to say that the acts of the Diamper Synod were approved by the Holy See ; but all along, we had to be content with the negative aspect of the question. The riddle still remained unsolved. Those who were responsible for the letter written on November 25, 1599, by the Archdeacon and the clergy of Angamali, where it is said that the acts were being sent therewith for the Holy See's approbation, originally intended to get the acts confirmed by Rome. Even the report of 1601, although there was no request for the approbation of the Synod, in it, says that the acts of the Synod had been sent to Rome by the Archbishop of Goa and that a Latin translation was being prepared for presentation to the Pope. What happened then ? Were the acts eventually presented, examined and approved ? The mystery remained to be solved. We were fortunate enough, through the kind courtesy of the Jesuit Fathers, to look through some of the unpublished documents in their archives, mainly letters of the period, and in the light of these letters and of some Malayalam codices we found in the Vatican Library, we are now in a position to fill up the gap to a considerable extent and settle the question of the approbation of the Synod in a more definite way.

The inner story of the Synod and its approbation is revealed in a few letters written by the Jesuit Fathers from Vaipicotta a few years after the Synod was conducted. Immediately after the Synod, many letters were written by the same Fathers, but in none of these is there anything but unstinted praise for the work accomplished by the Archbishop of Goa during his visit to Malabar. But the letters written at the end of 1603 and later reveal a different story altogether with regard to the Synod.

We shall first cite here passages from these letters referring to the Synod and then try to reconstruct the history of the Synod and draw the conclusion thereof.

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explaining the Catholic doctrine. These councils were, all the same, examined by the S. Congregation of the Propagation of Faith. Cfr. C. DE CLERCQ, *Histoire des Conciles* t. XI, e. g., p. 270.

The first to be cited is a letter of Ros's, by then the Bishop of Angamali, written to the Jesuit General Aquaviva, from Vaipicotta on November 20, 1603 (63). The part referring to the Synod of Diamper is as follows: "When I was now going to make amendments in the Synod which his Excellency the Archbishop of Goa conducted here, as our experience has shown that there are many things in it that have to be changed, His Excellency wrote to me asking for the signatures of the above-said Synod to be sent to the Holy Father for confirmation. I have sent them to His Excellency with the views of our Fathers on the matter, pointing out to his Excellency that if His Holiness confirmed the above-said Synod he would be placing all these Christians in a state of mortal sin, as they would not keep it; if His Holiness approved, I say, what has to do with practices (*costumbres*) in such a way as to make a law. As great evils would follow from such procedure, I request Your Paternity for the love of our Lord, on receiving this information, to use your influence in the court of Rome so that this step, ruinous to souls, may be averted; and let the Holy Father be informed of it; let not these Christians say that we have duped them; for, to tell you the entire truth, some of the canons of the above-said Synod the Archbishop himself added after the Synod was over; not a single canon was discussed or altered, so much so

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(63) ARSI, *Goa-Mal.* 15, 155-56v: "Estando agora para recopilar la synodo que el Sr. Arcebispo de Goa celebró aqui por haver muchas cosas que la experiencia nuestra haverense de mudar, el dicho señor me mandó pedir las firmas de la dicha synodo por la mandar a Su Sd., que la confirme. Yo las mandé a su Sa. con parecer de los padres nuestros advertindo al dicho Señor que si su Sd. confirmava la dicha synodo, ponia en estado de pecado mortal a todos estos christianos, porque no la guardarian, confirmar digo lo que pertenece a las costumbres, de modo que se haga ley, de lo que se siguen grandes males por lo que pido por amor de N. Sr. a V. Pd. esté advertido tambien desto, proque se obvie a este danno de las almas, nessa corte, y esté su Sd. informado, e no digan estos christianos o que los enganamos porque si se ha de dezir la verdad por entero, algunos de los canones dela dicha synodo, hizo el mismo señor arcebispo despues de la synodo acabada, e ninguno de los canones fue preguntado ni alterado, de modo que forma de Synodo no la uvo, mas que hazer reglas directivas y escrevirlas, y ellos oyren sin hazer concepto de lo que se dezia, como io soy muy bien testimonio, com los mas padres que entendiamos la lengoa, y su Sa. dezia muchas vezes, que no hazia aquello, si no por mostrarles el camino de su salvacion sin impedimento. Esto es lo que passa en el negocio de la synodo, de lo que todo advertí al Señor Arcebispo de Goa".

that there was no form of a synod, and it cannot be said to contain anything more than directive principles; they heard them without understanding what was being said, as I can myself bear ample witness as also the other Fathers who understood the language. His Excellency many a time had said that the Synod was intended merely to show them the way of their salvation without obstacles. This is what transpired within the Synod and I have pointed out all this to His Excellency the Archbishop of Goa".

There is another letter written again by Ros to Claudius Aquaviva, the Jesuit General on December 26, 1603 ([64]). We cite here only the part pertaining to the Synod: "I conducted a diocesan synod at Angamali this Advent to the satisfaction of all; they [the Christians] renewed their oath of obedience to the Holy Father and abjured their former heretical beliefs. This present Synod was conducted in due form and while many things

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([64]) ARSI, *Goa-Mal.* 15, f. 176-77v: "En este adviento hize synodo diocesana en este Angamalle con mucho contentamiento de todos, donde se juró de nuevo obediencia a S. Sanctidad y se abjuraron las heregias antiguas, y se hizo synodo en forma, donde se ordenaron muchas cosas de grande bien para estas almas, y se mudaron otras (que ordenó el Arçobispo de Goa quando aqui vino) por lo pedir assi toda la cristiandad diciendo que no se consultó entonces con ellos cosa alguna, ni entendieron muchas que en la primera synodo se mandaron. Lo qual es tanta verdad que aun despues el dicho Arçobispo hizo por si mismo algunos canones despues de acabada la synodo, y los ayuntó al cuerpo de la dicha synodo. En esta que agora hize se hallo presente el Padre Alberto Viceprovincial de la Compañia de Jesus con el Pe. Rector de Vaipicotta, y otros padres, los quales tambien se asinaron en la dicha synodo, la qual no fue possible mandarla agora a V. Pd. por ser el tiempo breve, y assi parecio al Pe. Alberto y mas padres para podermos bien concertarla y mandarla a V. Pd. en duas lenguas para se presentar a S. Sanctidad. El Arçobispo entendo que manda este año su synodo a S. Sanctidad porque assi me lo escrevio. V. Pd. deve mandar al Padre Procurador general que haga con los illmos. Cardenales que se impida mostrarse la dicha synodo, pues no está en forma, y tiene muchas cosas se quitaron en esta, incompartables a estos christianos. Por carta no me puedo declarar mas a V. Pd. porque pienso que el [al MS] padre Alberto diria a V. Pd. de palabra lo que yo no puedo escribir.

Aserca de las mas cosas que escrivi a V. Pd. escrivi tambien al Rey de Hespaña, mas como el govierno daquel Reino es tan vasto, no si detreminan las cosas assi tan facilmente, por lo que agora descargué mi consciencia con el Arçobispo de Goa a quien escrevi todo lo que parecio delante de Dios para bien destas almas".

were ordained for the good of these souls, former decisions were altered (which the Archbishop of Goa had taken when he came here); this was done at the insistence of the entire Christian community, who said that at that time they were not consulted on any point and that they did not understand many of the things prescribed by the first Synod. This is so very true that the above-said Archbishop made by himself, even after the Synod was over, some canons which he added to the body of the Synod. Now in the one we call the present, Father Albert, the Vice Provincial of the Society of Jesus, with Father Rector of Vaipicotta and other Fathers took part and they have put their signatures thereto. It has not been possible to send it to Your Paternity because of want of time and it was also the opinion of Fr. Albert and the other Fathers, that we might get it ready and send it to Your Paternity in two languages to be presented to the Holy Father. I undertand that the Archbishop is sending in the current year his Synod to the Holy Father; he had written to me to that effect. Your Paternity must ask the Father Procurator General to negotiate with the eminent Cardinals to impede the presentation of the above-said Synod. It is not in form; besides, it contains many things we have abandoned in the present synod as they were insupportable to these Christians. By letter I cannot say more to Your Paternity for I think that Father Albert would have said by word of mouth that which I cannot write.

As for the other things I wrote to Your Paternity about, I wrote also to the King of Spain; but as the government of that kingdom is so widespread, things would not be settled so easily, for which reason I have cleared up my conscience with the Archbishop of Goa to whom I have written all that appeared needful before God for the good of these souls ".

There is still a third letter of Ros's written to the Portuguese Jesuit Assistant, John Alvarez, dated December 27, 1603 ([65]):

([65]) ARSI, *Goa-Mal.* 15, f. 178-79: " Aiuntei Synodo diocesano aqui em Angamalle com muito gosto de todos assi gentios como christãos, donde se aiuntarão os mais principaes membros desta christandade donde se jurou de novo obediencia a Sancta Igreia de Roma e ao Summo Pontifice e se abiurarão as heregias que cã ouve. E se fez synodo em forma donde se ordenarão muitas cousas, se tirarão outras pera muito serviço de Deus e bem destas almas, e porque não se pode faser mais sedo não a pude tresladar pera mandar a V. P. mas falo hei pera o anno com aiuda de Deus. Achouse presente o Pe.Viceprovincial Alberto com os padres do Collegio de Vaipicotta que firmarão tambem a dita Synodo.

" I assembled a diocesan synod here at Angamali to the great satisfaction of all, the gentiles as well as the Christians. All the principal members of this Christian community had gathered there and they renewed their oath of obedience to the Holy Roman Church and the Holy Father and abjured the heresies which were found here. The Synod was conducted in due form and many things were newly ordained while others were cancelled for the great service of God and the good of souls. As it could not be conducted earlier, there was no time for translating it to be sent to Your Paternity; I hope to do so within a year by the help of God. Father Albert, the Vice Provincial together with the Fathers of Vaipicotta College were present in the Synod and they put their signatures thereto.

The Archbishop of Goa, I think, intends to send to Rome the Synod be conducted at Diamper when he came here, because he has written to me asking for the signatures which I was keeping. It was no Synod since no consultation was made and the Christians were unaware of what was being enacted. If they put their signatures, it was due to my importunity. Hence the Synod should on no account be presented to the Holy Father. Moreover, in the present Synod some unbearable provisions of the former, about which the Christians had no knowledge, were dropped; and the Archbishop himself made some canons even after the Synod and the Christians were unaware of them. Hence the promoters of this present Synod asked for a copy of the former and some of the provisions were changed as it seemed necessary to all the Fathers ".

Another letter giving the true story of the Diamper Synod is by John Campori, who immediately after the Synod had written a very long letter, all in praise of it (66). This new letter bears

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O Arcebispo de Goa cuido que quer mandar a Roma a synodo que elle fez no Idamper cuando cá veio. Porque me mandou pedir as firmas della que eu tinha & como aquella synodo não o foi, porque se não consultou nada, nem os christãos fizerão conceito della e se firmarão nella foi por minha importunação, não convem por nenhum cazo que se apresente à sua Sanctidade, pois nesta d'agora se tirarão algumas cousas della que erão insufriveis, e os christãos não souberão dellas e ainda o mesmo Arcebispo fez algunos canones, depois da synodo acabada, que os christãos não souberão. Pello que os promotores desta Synodo d'agora pedirão mostra da outra, e mudarãosse algumas cousas, que a todos os padres pareccio ser assi necessario ".

(66) Cfr. A. POSSEVINUS, *Apparatus Sacer ad Scriptores Veteris et Novi Testamenti*, t. I, Venice, 1606, p. 392-4.

the date January 1, 1604, and is addressed to John Alvarez who was, as we said above, the Portuguese Assistant to the Jesuit General in Rome (67). "Now I should not like to leave out here a thing of great importance, namely that when the Archbishop of Goa came to visit this Malabar, he conducted a council, to tell the truth, with little form and order of a council; and he of his own accord, even afterwards, added some things which were never read in public. And much of what was read, was done in such hurry and confusion that the Christians did not understand, nor consequently, accept it. But taking into consideration the times, as they were then, and the zeal of that good prelate, although preposterous, that was necessary. But now that we can proceed with more leisure, it seemed necessary to all the Fathers that the bishop should convoke again a synod in which things could be settled with good order and deliberation. So this year at the beginning of Advent, a synod was convoked at Angamali in which the Father Rector of this college and myself took part. After consultation on all the points pertaining to reform, and explanation of each decree in particular in a clear and distinct manner, all gave their consent; some previous provisions which were impossible to observe and served only to

(67) ARSI, *Goa-Mal.* 15, f. 182-3v: "Porem não queiro deixar de apontar huma cousa de muita emportança e hè que quando o Arcebispo de Goa veo a visitar esta Serra fez hum concilio, e, per fallar verdade, com pouco modo e ordem de Concilio, acrecentando ainda depois a sua vontade algumas cousas que nunca se lerão em publico, e muitas que se lerão foy com tanta pressa e confusão que nem os Christãos as perceberão nem pollo conseguinte as receberão. Mas conforme aos tempos que então corrião o zelo de tão bom prelado, ainda que prepostero, foy assy necessario. Mas agora que se procede con mais liberdade pareceo a todos os padres necessario que o Senhor Bispo outra vez ajuntasse o Concilio, no qual se essentassem as cousas com boa ordem e madureça, e assy este anno no principio do advento ajuntarãose em Angamale, adonde tãobem foy o P. Reytor deste collegio e eu com elle, e depois de tomar conselho em todas as cousas que pertencem a reformação e lendolhas clara e distinctamente e declarandolhas em particular, todos derão seu consentimento, revisando algumas, que era impossivel guardarse e não servião mais que inicere laqueum. Este concilio diocesano, feito com todas as circumstancias o anno que vem o Sr. Bispo o manderá a S. Sde., porque agoura não he possivel, e como S. Sra. tãobem cuido que escreve a V. R. he necessario que advertião lá que o Arcebispo este anno manda o que elle fez, para se apresentar ao Papa, o que não convem de nenhuma maneyra que se aprove, por ter algumas cousas que toda a christandade repugna aceitar, por ser impossiveis e que nunca entenderão".

lay snares, were altered. This diocesan synod conducted with all prescribed formalities, the Bishop will be sending to His Holiness next year, as it is not possible to do so just now. It is necessary, and I think His Excellency will also be writing to Your Reverence, that Rome be warned that the Archbishop is sending this year the Synod he conducted, to be presented to the Pope; but it should, on no account, be approved, as it contains some provisions which are detested by the entire Christian community, since they are impossible to observe and the Christians never understood them".

Some more information about the new synod can be gleaned from another letter written by John Maria Campori from Vaipicotta, on January 9, 1604, to Aquaviva the Jesuit General ([68]). "When the visitation of the churches was over, the Lord Bishop, after having accomplished much fruitful labour, returned to Angamali. Then as it seemed necessary to the Bishop and the Fathers with whom he discussed the matter, the Bishop convoked a diocesan synod and thus at the beginning of Advent nearly the whole clergy and the elected representatives of the people gathered in council. The Bishop had translated the *Pontifical* and all the cremonies into Syriac, and thus on the feast day of St. Ambrose, after the singing of the Pontifical Mass in Syriac and with the observing of all the prescribed formalities for similar councils, as given in he *Rites of Councils* of B. Cardinal Borromeo, the Synod was declared open. The Synod began with the profession of faith which all made with great delight and

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([68]) ARSI, *Goa-Mal.* 15, f. 196-200. Our excerpt is on f. 199: "Acabada esta visita com muito trabalho, e fruito foise o Sr. Bispo a Angamale e parecendo assy necessario a S. Sa., e aos padres com os quaes primeiro tudo consultou, convocou concilio diocesano, e assy no principio do advento aiuntarãose quasi todos os ecclesiasticos, e os eleitos dos povos; tinha o Sr. Bispo treslado do Pontifical todas as cerimonias em Caldeo, e assy o dia de S. Ambrosio depois de cantar em Pontifical a missa em Caldeo guardando todas as cousas, que se costumavão em semelhantes concilios conforme os ritos dos concilios do B. Cardeal Borromeo deuse principio à synodo procedendo a profissão da fee, a qual fizerão todos con grande alegria e contentamento spiritual, e assy os dias seguintes se continuou com grande paz, ordem e quieteção e depois de assentaremse as cousas necessarias pera o bom governo spiritual e temporal da christandade com summa uniformidade todos se assinarão. Neste concilio sempre assistio o P. Reitor deste collegio, com outro padre cuios [cuias, MS.] pareceres sempre erão dos padres e assy arrematouse tudo com huma devota procissão in gratiarum actionem".

spiritual gratification. On the following days the work was continued in tranquility, order and calm, and when provisions necessary for the good government of the Christians in temporal as well as spiritual matters were made, all with one accord put their signatures. Father Rector of the college was present throughout the sessions, together with another Father, whose opinions were always the same as those of the other Fathers. The Council came to a close with a devout procession of thanksgiving ".

We shall close this documentation, with one more letter. This time it is by Albert Laerzio, who went to Rome at the end of 1599, after the Diamper Synod with the letter of the Archdeacon and the acts of the Synod. He was, as we have shown above ([69]), influential in obtaining the Papal brief *Divinam Dei*. He had returned to India and at the time of writing this letter was the Vice-Provincial of the Vice-province of Malabar([70]). His letter is dated January 15, 1604 and is addressed to Aquaviva the Jesuit General in Rome ([71]). The following passage refers to our subject: " Although, he [Bishop Francis Ros] has no great natural talent for administration, his great virtues and complaisance compensate for this defect and Our Lord is favouring him in everything. This year he convoked and concluded a synod to the great contentment and satisfaction of all. In it,

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([69]) See p. 121.

([70]) Laerzio was Vice-Provincial from 1602-1605 FRANCISCO RODRIGUES, *A companhia de Jesus em Portugal e nas Missões*, 2 ed. Porto, 1935, p. 26, note 10.

([71]) ARSI, *Goa-Mal.* 15, f. 209 : " Posto que não tenha [Francisco Ros] tanto talento natural pera o governo, mas a muita virtude, que tem, e facilidade supre esta falta e Nosso Senhor o vay em tudo favorecendo. Ajuntou este anno sinodo e o acabou com grande contentamento e satisfação de todos no qual assy os ecclesiasticos todos que passão de trezentos como as cabeças dos pouvos, juravão obediencia a Igreja Romana com grande conformidade. E porque o sinodo que o Arcebispo de Goa, Dom Aleixo de Menezes, fez, não se tornou ler aos congregados, nem souberão o que tinhão nelle determinado pollo Arcebispo ajuntar muitas cousas suas, agora neste retratarão algumas cousas e concertarão outras, de modo que foy cousa acertada, não se presentar ao Papa, quando eu la estive, e he bem que não se lhe presente. E bastará presentarlhe este, que este anno se fez, que foy com toda solenidade e exação o qual irá o ano que vem, porque como senão pode fazer primeiro que no principio do mes passado não ouve tempo pera se tresladar e fazer em latym, mas o anno seguinte irá muy bem acabado com o favor divino ".

all the clerics who numbered over 300 and the heads of the people vowed obedience to the Roman Church with great concord. Since the Synod which the Archbishop of Goa convoked was not read to the convoked and since the assembled did not understand what had been settled in it, as the Archbishop added many things of his choice, in the present one some provisions were revoked and others were confirmed; so much so, it was determined when I was in Rome that it should not be presented to the Pope; and it is good that it is not presented. It will suffice, if this one which was conducted this year with all the solemnities and in the prescribed manner be presented to His Holiness. As it was not possible to conduct the Synod earlier than the beginning of last month, and there was not sufficient time to translate it into Latin, it will be sent to Rome only next year. With the grace of God, the translation will be over by the coming year and then it can be sent".

We have cited above excerpts from six letters, the authenticity of which is undisputable - all of them originals. And all the three who write are among the most competent persons to report on the matter. Ros is supposed to have had such a part in the Synod of Diamper as to have merited being called its very soul and inspiration. John Campori was present at the Synod of Diamper and was an eye-witness of all the happenings. Albert Laerzio, being sent as the Procurator to Rome, to negotiate, among other things, the affairs of the Synod, was well informed as to the inside story. It was not in the interest of anyone of those men to discredit the Synod of Diamper, which was, in a good measure, their own work. Those are our reporters. One question naturally arises at the outset. Why in their previous reports was nothing mentioned of the irregularities that happened in the Synod? All, with one voice, were intent on praising the work accomplished by Menezes. Was there any subsequent difference of opinion or lack of mutual understanding between the Archbishop of Goa and the Jesuits of Vaipicotta? It is true, that soon after Ros was made the Bishop of Angamali, he strenuously fought to regain the lost title of the archbishopric and to be free from the newly imposed metropolitan rights of Menezes over him. But, this was done without ill-feeling and even in the letters we have cited, there are evidences to show that Menezes was still considered a friend of the Jesuits of Vaipicotta. So, it seems, that it was only the idea of conducting a new Synod that brought about the occasion for the new revelations. In the reports sent to Rome immediately after the Synod

of Diamper, the writers might have scrupulously avoided inserting anything that would detract from the importance of the success achieved. Now new factors had to be taken into consideration. The Archdeacon and others were reconciled to their lot and were actually getting along amicably with their new Bishop, who in the beginning showed them all due consideration ([72]). To continue this state of affairs it seemed necessary that the wrong done to them in the Diamper Synod should in some way be redressed and it was this feeling that gave shape to the synod which was conducted in the Advent of 1603. It became thus the natural occasion to reveal the inner story of the Diamper Synod. This was all the more imperative, since at that very time, Menezes, as is shown in the letters cited above, was trying to get the acts of the Diamper Synod approved by the Pope.

We will now gather up elements pertaining to the juridical aspect and try to evaluate their consequences.

First we have to take cognizance of the fact that, before and during the Diamper Synod, its convenor and president had no idea of calling a formal diocesan synod. He did not want to make laws really binding in conscience. His intention was only to frame a few rules which would form a directive norm. This is clearly attested in Ros's first letter dated November 20, 1603, cited above: "It [the Synod] cannot be considered to contain anything more than directive principles. His Excellency many a time said that the Synod was intended merely to show them the way of their salvation without obstacles". This is confirmed again in the same letter by the fact that till then the prescriptions of the Diamper Synod were not considered binding, and it was wished that a papal approbation which would render them law, should at all costs, be averted: "Pointing out to His Excellency that if His Holiness confirmed the above-said Synod, he would be placing these Christians in a state of mortal sin, as they are not observing it; if [His Holiness] approved, I say, what has to do with practices, in such a way, as to make a law". Here the reader should remember that decrees of a pro-

([72]) ARSI, *Goa-Mal.* 15, f. 176v, from a letter of Ros dated Dec. 26, 1603, addressed to Aquaviva: "El arcediano procede siempre muy bien y trabaja muy unido con los padres y sin doblez. El P. Alberto lo consoló muy grandemente con las buenas nuevas que truxo de Roma. Y sobre todo con se ordenar que su lingua e ritos caldeos buenos permaneciessen que era lo que hazia desconfiar al dicho Archidiano, y por esta desconfiança no se unia de coraçon [con] estos nuestros temiendose siemprede que por fin le quitariamos lo qu ellos tanto estiman".

per diocesan synod become law without any papal approbation. It is incredible, how, after the convention was over, Menezes made up his mind to consider it a formal synod and as such seek papal approbation. Was it not evident to him that all that he could do later, would not change the initial character of the convention at Diamper ? The psychological explanation may be that, in the beginning Menezes was very apprehensive of the success of a synod proper, and so might have put forward only very limited claims at the outset ; but, later on, when things had taken a better turn, he might have embarked on the idea of giving to the gathering at Diamper the formal title of a diocesan synod. Whatever may be the psychological explanation, it would not absolve Menezes of excessive liberty in taking the law into his own hands. All the same, he might have been led to take such a step, perhaps in the hope of contributing to the permanent welfare of the Church of St. Thomas Christians.

The letters reveal another grave irregularity. If we read Gouvea in *Jornada* and *Synodo Diocesano*, we get the impression that the Synod was a very orderly meeting, where in spite of the language difficulty everything was discussed in common through the medium of interpreters and all the resolutions were taken in consultation with the priests and the laymen. According to the report of Gouvea, already before the Synod, the decrees were read to a committee of eight priests with the Archdeacon, and their views were solicited, and whenever possible acceded to. In matters pertaining to secular customs, the lay representatives were also consulted ([73]). And during the sessions there was absolute freedom for all to put forward their views ([74]). And at the end, before the signing all were again entreated to propose doubts, if they had any ([75]). To enable all to follow the discussions, there were interpreters, for which function a priest, Jacob of Pallaruthy, was specially commissioned and had taken an oath to do his office scrupulously ([76]). And the descriptions of the sessions is such that one would think that the sessions were all orderly, except for one or two minor disturbances. And finally, the decrees are said to have been signed with the unanimous consent of all ([77]). But quite a different story is revealed in the

([73]) GOUVEA, *Jornada*, f. 64.
([74]) *Ibid.*, f. 67v.
([75]) GOUVEA, *Synodo Diocesano*, f. 58.
([76]) GOUVEA, *Jornada*, f. 65v ; GOUVEA, *Synodo Diocesano*, f. 3.
([77]) GOUVEA, *Synodo Diocesana*, f. 58 : " ... movidas algumas duvidas,

letters we have cited above. Ros's first letter of November 20, 1603, is emphatic: " Not a single canon was discussed or altered ". Again in his letter of December 27, 1603, he says: " No consultation was made ". The queerest part of all this is that even the reading of the decrees was done in Portuguese and those assembled had no idea of what was being said: " And the Christians heard them without understanding anything that was being said, as I can myself bear ample witness as well as the other Fathers who understood the language " (letter of Ros dated November 20, 1603); " The Christians had no idea of what was being enacted " (letter of Ros dated December 27, 1603); " And most of what was read was done in such hurry and confusion that the Christians did not understand it " (letter of John Campori dated January 1, 1604). Now, in a diocesan synod, even though there is only one authority which legislates or decides, namely that of the bishop, nevertheless at least to some extent, the matter has to be proposed for the previous consideration of the assembled members, before being declared a synodal law ([78]); and it is precisely this that gives its special character to a synodal decree. This point did not escape the observation of our present writers themselves. Ros in his letter dated November 20, 1603, says: " Not a single canon was discussed or altered and the form of a synod, there was not ". In his letter of December 27, 1603, he repeats the same idea: " As it was no synod, since no consultation was made and the Christians had no idea of what was being enacted ". Again in his letter of December 26, 1603, he says: " It [the Synod] is not in form ". John Campori writes in his letter dated January 1, 1604: " When the Archbishop of Goa came to visit this Malabar he conducted a synod, to tell the truth, with little order and form of a council ". Now on the signing of the decrees, Ros has clearly said that, the assembled priests and laymen were not prepared to put their signature to the document. He admits in his letter of December 27, 1603, " If they put their signature, it was due to my importunity ". We must also recall here that most of the priests were those very ones who had come to oblige the Archbishop in return for the gift of ordination. What a deliberate misrepresentation of facts we find in the report of Gouvea, Menezes' historian. Once again the arbitary way in which Menezes proceeded is in evidence.

& tratadas, & averiguadas por parecer de todos de comun consentimento, nemine discrepante, assinarão todos ... ".

([78]) WERNZ, *op. cit.*, t. II, par ii, n. 863.

Another irregularity was the addition of new canons after the Synod was over. About this all the three writers Ros, Campori and Laerzio are unanimous and emphatic. These additions were made before Menezes left Malabar, i. e., during his visit to the churches after the Synod. This can be inferred from the fact that Laerzio, who had taken with him a Portuguese copy of the Synod, when he went to Rome at the end of 1599, after the Synod, speaks, in his letter quoted above, on the supposition that the copy he took to Rome was one with the added canons (79). Ros writes in his letter dated November 20, 1603: "For to tell you the entire truth, some of the canons of the above-said Synod, the Archbishop himself added after the Synod was over". The point that the addition was made in the very body of the Synod is attested in his letter dated December 26, 1603: "This was so very true that the above-said Archbishop made by himself, even after the Synod was over, canons which he added to the body of the Synod". In the letter of December 27, 1603, Ros testifies to the fact that this addition was made secretly: "And the Archbishop himself made some canons even after the Synod and the Christians were unaware of them". That these canons were added without the knowledge of the Christians is stressed also in the letters of John Campori and Albert Laerzio. John Campori in his letter of January 1, 1604, says: "And he [Menezes] himself had even afterwards added somethings which were never read in public". Laerzio says: "And since the assembled did not understand what had been settled in it, as the Archbishop added many things of his own accord". To what extent were new canons added? Ros says in his second letter: "The above-said Archbishop made by himself, even after the Synod was over, some canons which he added to the body of the Synod". Campori has: "Even afterwards, of his own accord, [Menezes] added somethings which were never read in public". So, Ros and Campori speak of *some* additions. But, in the letter of the Vice - Provincial Laerzio, we find the expression: "As the Archbishop added many things of his choice". We tried to see if it was possible to separate

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(79) See the letter of Laerzio quoted in note 71, p. 136 In this letter he says: "E porque o sinodo que o Arcebispo de Goa, Dom Aleixo de Menezes, fez, não se tornou ler aos congregados, nem souberão o que tinhão nelle determinado pollo Arcebispo ajuntar muitas cousas e concertarão outras, do modo que foi cousa acertada, não se presentar ao Papa, quando eu la estive ...".

the additions from the original text. Finding even the original text would not help us very much to know the mentality of the St. Thomas Christians, how they viewed the questions, or how they reacted, unless it was shown that the document concerned was free of undue Portuguese influence. Nevertheless for the sake of history, we were desirous to see whether these additions could be separated. The printed text of the Synod in Gouvea's *Synodo Diocesano*, agrees substantially with the copy brought by Albert Laerzio in 1599 except for a few variations ([80]), although it was from a different copy that the edition was made ([81]). Even the copy brought by Laerzio could not be of much help, as, it had, as we have said, already incorporated the additions made by Menezes before he left Malabar. Here we were fortunate to discover in the Vatican Library three Malayalam codices containing the acts of the Synod ([82]). The Malayalam text is considerably different from the Portuguese. There are first of all very many canons missing in the Malayalam manuscripts ([83]). Even the remaining canons, though they substantially reflect in most cases the ideas as in the Portuguese text, are nevertheless often very brief and couched in less disagreeable terms. Besides, the order of these canons in some sessions differs considerably. Even the order of the sessions is not identical. If we merely compare the Malayalam text materially with the Portuguese, it would be only perhaps about half the length of the latter. Although we have no conclusive means to decide at present, whether these manuscripts represent the original Malayalam document signed in the Synod, still we think that we shall not be wide of the mark in supposing that they are closer than any other to the original signed by the assembly, and that, most likely, the missing canons indicate the later additions by Menezes. Our reasons for supposing this, and more information about the Malayalam codices, are given in the Appendix at the end of the book.

What about the attitude of Menezes who did not scruple to add canons after the Synod was over and to add them to the body of the Synod? It is true that the laws enacted by a bishop in a synod or out of it are of the same value; but the synodal laws have not only a special note of solemnity, but also of efficacy, in so far as they have been proposed for discussion

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([80]) See Appendix, § 3, a, ii, p. 192 sq.
([81]) See Appendix, § 3, a, iv, p. 200
([82]) See Appendix, § 2, a, i-iii, p. 178-9
([83]) For the missing canons see Appendix, § 2, a, v, p. 180 sq.

in the assembly. Apart from all these considerations it is a breach of the sacred trust put in a bishop, to add canons stealthily after the synod is over. We are, of course, not speaking here of some minor changes or additions that may have to be introduced after a synod is over and before it is promulgated. We are here concerned with the embellishing and distorting of the text to a very considerable degree and out of all proportion. Menezes might have thought that, as the St. Thomas Christians did not know much of what was settled in the Synod, it would not make any big difference if he added a few more canons. In any case we again find in Menezes one who took the law into his own hands rather too freely. But the most serious breach of trust on the part of Menezes was, that after doing all this, he wanted to get the Synod approved by the Holy See, as if it were one legitimately convoked and conducted according to the sacred canons. We shall again in connection with another letter of Ros's ([84]) come across the irregularities of the Synod and the reproachable conduct of Menezes.

Now we must pass on ([85]) in the light of these new docu-

([84]) See note 104-105, p. 148-9.

([85]) Here, perhaps, a word might be added about what ANTÃO *op. cit.*, p. 69-75 has said about some of above-said revelations. He has cited extracts from two letters of Ros's, one of November 20, 1603 and the other of December 26, 1603. The citation of the second letter is quite incomplete. Some of his conclusions are very surprising. We shall touch here only on two. (i) He says : " Neque exinde suspicari liceat de veracitate dictorum Epi. Ros S. I. Putamus litteras huius ac acta Synodi omnino componenda esse inter se " (p. 71). We do not know how they can be mutually reconciled, as they are contradictory on many important issues. We are taking here into consideration only the two letters as far as they are cited by ANTÃO, and not the rest of the correspondence we have reproduced. The letters quoted by ANTÃO say (a) " ninguno de los canones fue preguntado ni alterado " ; (b) " de modo que forma de synodo no la uvo mas que hazer reglas directivas y escrevirlas " (c) " y ellos oyren sin hazer concepto de lo que se dezia ". There is no need to show again here that Gouvea in *Jornada* and *Synodo Diocesano* has made statements contradicting the above-mentioned ones. (See above p. 139) (2) Another surprising observation of ANTÃO'S concerning Menezes' later adding of decrees is : " Insuper eodem contextu prae oculis habito fas est statuere neque agi de decretis circa rem ecclesiasticam disciplinarem, sed tantum circa mores, *de las costumbres*, clarius, circa res temporales quae iure devolutivo ad Antistitem Christianorum S. Thomae pertinebant ". We are at a loss to know how Antão read all this into a text which means : " If His Holiness confirmed the above-said synod he would be placing all these Chris-

ments to put together the story of the approbation of the Synod. Albert Laerzio, when he left India, late in December 1599 or early in January 1600, took with him a copy of the acts of the Synod of Diamper in Portuguese, with the interpolations. When he came to Rome a report about the St. Thomas Christians was prepared under his direction and presented to the Cardinals of the Clementine Congregation, praising the work accomplished in the Synod. Malabar being far away it was easy to pass over in silence the regrettable side of the affair ; and such an attitude was needed so as not to compromise the reputation of the Archbishop of Goa. It was then that the brief, *Divinam Dei*, was issued on May 19, 1601. The Archbishop of Goa had meanwhile sent a copy of the text of the Synod and it was being translated in Rome ([86]) into Latin to be presented to the Holy Father, as we learn from Laerzio's report. But later, we do not know the exact reasons why, it was decided not to present the acts to the Holy See, as we read in Albert Laerzio's letter cited above : " So much so it was determined when I was in Rome, that it [the Synod] should not be presented to the Pope ". That is why we previously remarked ([87]) that it can be positively shown that the Clementine Congregation never examined the acts of the Synod of Diamper.

Albert Laerzio after finishing his business in Rome left the Eternal City on May 29, 1601 ([88]). When he returned to India he took with him among other things ([89]) the reply of Fabio

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tians in a state of mortal sin, as they would not observe it ; if he approved, I say, what has to do with practices in such a way as to make a law " : (See note 63). We find no reason to restrict *los costumbres* to mere social customs. Ros's statement in itself seems to be more generic. The real story of the formation of the text published by Gouvea, as described in the Appendix, will amply prove that the additions are by no means to be restricted to two or three canons of a social character. Antão basing his arguments on his interpretation of the text, seems to be at great pains to exonerate Menezes from all irregularities.

([86]) See Appendix, § 3, a, iii, p. 199-200.

([87]) See p. 128 where note 58 appears.

([88]) Gonfalonieri has noted down in ASV, *Fondo Gonfalonieri*, vol. 31, f. 397v : " il dicto Pre. [Alberto Laertio] parti di Roma à 29 di Maggio ". See ANTÃO, *op. cit.*, p. 164.

([89]) Laerzio brought with him a press to print Syriac books. For, Ros in a letter dated December 11, 1601, to the Jesuit General says : " A impressão Caldeia que o Pe. Alberto Laercio trouxe de Roma, foi pera todos de muita alegria, e sera de muito serviço de N. Senhor e proveito

Biondi to Menezes' letter which he himself had taken to Rome (90). Laerzio reached India towards the end of 1601 (91). He must certainly have met Menezes and handed him Fabio Biondi's reply. Biondi's letter, of which we do not know the exact contents, must certainly have been silent on the question of the Synod (92). Laerzio also should have diplomatically kept silent about the fate of the acts of the Synod in Rome. So we find Menezes again on Dec. 28, 1601 writing to Fabio Biondi in Rome asking him whether the acts of the Synod he had sent were presented to the Holy Father or not, expressing his concern whether they had been delivered (93). To this letter as well as to another copy of the former letter of Menezes' dated December 22, 1599 which reached Rome late in 1602 by another route, Fabio Biondi replied vaguely on January 5, and 10, 1603 saying that it was not possible to get from the Holy See any reply to the letters and to a memorial the Archbishop of Goa had sent to the Pope through him (94). Perhaps before these replies of Fabio Biondi's

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destas almas ". ARSI, *Goa-Mal.* 15, f. 64v. See BELTRAMI, *op. cit.*, p. 125, 83 and ANTÃO, *op. cit.*, p. 114.

(90) Gonfalonieri writes in ASV, *Fondo Gonfalonieri*, vol. 31, f. 397v : " Risposta per via del Pre. Alberto Laertio, procurator generale della Compagnia di Gesù nell'Indie à 20 di Maggio 1601 ". This note is written on Menezes' letter to Fabio Biondi dated December 22, 1599. Cfr. ANTÃO, *op. cit.*, p. 164.

(91) FERROLI, *The Jesuits in Malabar*, vol. I, p. 276 gives the date as September 1602. This is evidently a mistake. We know that Laerzio was already in India for some time when Ros wrote his letter of December 11, 1601 (See note 89).

(92) See notes 93 & 94.

(93) ASV, *Fondo Gonfalonieri*, vol. 31, f. 402-403v : " Seppi che il Padre Alberto Laertio gli diede le mie lettere per la Santità di Nostro Signore et che V. S. le dette all'Illmo. Sig. Card. Bellarmino il quale le diede a S. Bne., di che ne sentii quel contentamento che maggiore ricevano. Farme V. S. gracia de me ne ottener felice re[s]posta così delle lettere come anco di saper se gli fu dato il sinodo che si celebrò nella christianità di S. Thome, nei Regni del Malavar, quando reducei quelli Populi al lume di verità et obediencia della Sta. Sede Apostolica perchè sto duvidoso si S. Stà. lo ricevete o no ". The document has been published by ANTÃO, *op. cit.*, p. 164.

(94) Gonfalonieri has scribbled on Menezes' letter of December 22, 1599, to Fabio Biondi sent 2*a via* and received in Rome in June 1602, the following : " Risposta alle 5 di Gennaio 1603. La recevuta della sopradette lettere et scritture — e parole di complimento — si accusano le cose di dentro scritte — e che non se potuto haver risposte dell'suoi memoriali et

reached Goa, Menezes made up his mind to make another attempt to get the acts of the Synod approved by the Holy See. He requested from Ros, it seems as if to make things appear more in form before the Roman Censors, the signatures of the former Synod, which were preserved in the Vaipicotta archives ([95]). These signatures were sent from Vaipicotta to Goa. That these signatures were in this process separated from the document with which they were originally united, and were appended to another, in many respects different from the former, will be demonstrated later on when we discuss the original copy of the acts of the Synod in the Appendix ([96]). Taking this opportunity Ros informed the Archbishop of what he thought about his procedure. We do not know whether he clearly said all that he has written in his letters to the Jesuit General and the Portuguese Assistant. Anyhow, Ros must have made the Archbishop understand that it was certainly not in the interests of the Church of Malabar, to get the acts approved by the Holy See. Did Menezes accede to this wish ? It is difficult to answer this question in a definite way. He must certainly have felt that it would be difficult to get them approved by Rome once the Jesuit Fathers of Vaipicotta, and especially Ros, the Bishop of Angamali, were against such a move. Besides, he would, no doubt, have hesitated to go forward with a scheme which would bring about his own exposure. In the light of Ros's letter he might have also begun to suspect as significant the silence of Laerzio on his return from Rome and the absence of any news from Fabio Biondi about the whereabouts of the acts he sent to Rome. These reasons and the lack of any correspondence concerning the subject, in spite of the fact that not a few letters of his of even a later date are preserved ([97]), lead us to believe that Menezes

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lettere ". ASV, *Fondo Gonfalonieri*, vol. 31, f. 395v. Gonfalonieri has again scribbled on the letter of Menezes given in note 93 the following : " Ricevuta a di 10 gennaio — risposto a 11 gennaio 1603 — si rimette all'altra risposta delli 5 del medesimo mandata per via di Compagnia ... " ASV, *Fondo Gonfalonieri*, vol. 31, f. 403v. See ANTÃO, *op. cit.*, p. 164 & 165.

([95]) GOUVEA, *Synodo Diocesano*, f. 56v.

([96]) See Appendix, § 1, § 3, a, iv, p. 175 sq; p. 200 sq.

([97]) There is a letter of Menezes' of February 16, 1605, in which he says : " ... non tengo ne di esse ne tampoco di quello che scrissi alla Santità di Nostro Signore sopra le cose della Christianità di Santo Thome, vescovato della Serra ". ASV, *Fondo Gonfalonieri*, vol. 31, f. 404. See ANTÃO, *op. cit.*, p. 165. This reference, in all probability, is to the nego-

might have finally dropped the idea of getting the acts of the Synod approved by the Holy See. Instead, he must have expedited the printing of the acts which was realized in 1606, when Gouvea published *Jornada* together with the acts of the Synod of Diamper. As we shall see in the following pages, this step had practically more or less the same effect as that of a papal approbation, and with it, in spite of its regrettable history, the Synod of Diamper came to stay for a long time as the fundamental code of the Malabar Church.

We have described in what manner the question of the approbation of the Synod of Diamper disappeared from the Roman Curia four years after the Synod. We have now briefly to follow up the events over a long time when by force of circumstances and in complete ignorance of its real history, the Diamper Synod began to be considered once again in Rome as a valid synod, and a code of fundamental importance for the Malabar Church; this time, in the Congregation of the Propagation of Faith.

We have seen from the letters of the Fathers of Vaipicotta cited above how the people began complaining against the Synod of Diamper; also how they protested saying that they were not consulted in any of the matters enacted and how the decrees were accepted under duress. So it became evident that a new council had to be held in which the whole matter could be reconsidered. Such a diocesan synod took place in the Advent of 1603 ([98]). It began on December 7, the feast of St. Ambrose; we do not know how long it lasted. It seems to have been a synod in which the clergy and the people co-operated with Ros and the Jesuits, both being on very good terms with each other at that time. More than 300 ecclesiastics attended this synod. In it many changes were made in what was previously ordained at Diamper: " As our experience has shown that there are many things in it that have to be changed " ([99]); and some of the insupportable laws were thus dropped: " In the present synod some unbearable provisions of the former were dropped " ([100])

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tiations concerning the change of title of the diocese of Angamali which was then the subject of a very heated contest between the Archbishop of Goa and Ros, and does not necessarily refer to the Synod of Diamper, as Antão supposes, *op. cit.*, p. 115.

([98]) This and the following pieces of information are from the letters cited above in note 63sq, p. 130 sq.

([99]) See note 63, p. 130.

([100]) See note 65, p. 132.

and " other [provisions] were confirmed " ([101]). This synod was conducted in due canonical form : " conducted with all prescribed formalities " ([102]) ; " the synod was conducted in due form " ([103]). Ros and the other Fathers in Vaipicotta wanted to send the new synod to Rome and get it approved by the Holy See, in place of the Diamper Synod. That was not immediately possible, since they wanted to prepare it in two languages, Portuguese and Latin, and it would take some time for the Latin translation to be ready. According to their announcement in the letters written at the end of 1603 and the beginning of 1604, it was expected that the translation would be sent " the next year ". The Latin translation of the acts of this new synod was, however, actually sent to Rome only at the end of 1605 ([104]) addressed to John Alvarez, the Portuguese Assistant to the Jesuit General in Rome. We quote here the relevant part of the letter: " I am also sending our synod and all that these Christians have accepted ; the translation was done in a hurry, but nevertheless done well, I mean, faithfully, for the love of our Lord, so that the Holy Father may not be misled with the synod of the Archbishop of Goa in which there were many things which His Excellency himself added and these Christians did not accept and which put them in fetters. I have taken witnesses of this, so that it could be proved. Now these Christians have embraced the synod we have conducted, and this can be called a synod ; they understood everything ; that which had to be changed was changed ; everybody was pleased. So I earnestly beg of Your Reverence's charity not to encumber yourself with the former synod of the said Lord Archbishop ". Then we find in another paper, directed again to the Portuguese Assistant and

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([101]) See note 71, p. 136.

([102]) See note 67, p. 134.

([103]) See note 65, p. 132.

([104]) ARSI, *Goa-Mal.* 15, f. 242v. The original of the portion cited in the body reads : " Tambem mando a nossa synodo e tudo o que estes christãos acceptarão, tambem foy depressa, mas bem tresladado, digo fielmente, por amor de N. Sr. que se não engane S. Pe. com a synodo do Arcebispo de Goa, na qual vão muytas cosas que S. Sa. depois da Synodo ordenou e estes christãos não aceitarão e sera enlazarlos. Eu tenho tirado disso testemunhas pera que conste, assi que isto que nos fizemos, abraçarão estes christãos e se pode chamar synodo, tudo entenderão, alterouse o que era digno de alteração, fiquarão todos contentos, pello que peço muyto por charidade a V. R. que não haja embaraço com a do dito Sr. Arcebispo ".

sent perhaps along with the previous letter, this other note without date: "The papers that I am sending and the Synod were all done in such a hurry, I do not know how they go; for this reason, because I have just now to go to Goa to assist at the synod, Your Reverence will kindly take care to correct the whole and if it should be shown to the Pope, it will be necessary to send it to me for copying anew, that it might be possible to present it in order. Here it rained and the paper is spoilt entirely. Servant, Bishop of Angamali ([105]) ". Thus Ros again confirms the illegal handling of the affair by the Archbishop of Goa and how the Holy Father was possibly misled by his report. He says how things disagreeable to the St. Thomas Christians were removed in the new synod, whose acts he has forwarded to Rome after they had been translated into Latin. As the letter was preserved, we hoped that the acts of the new synod which were sent along with it, would have been saved for history. But all our diligent search to unearth them ended in vain. Finally it was found that the acts were lost on the way from India to Rome. In a letter of Ros's to John Alvarez, the Portuguese Assistant in Rome dated November 25, 1607 ([106]), we find this passage: "I had sent to Father General last year our synod together with the ancient canons of the First Nicene Council translated from Syriac into Latin. Now I have come to know that they were lost. As there is no time to have them translated, I am not sending them". Thus all hope of recovering the text in Rome has vanished. Perhaps some copy of the synod may be found in Malabar, but so far we have no news of any such document.

One would have thought that with this new synod, things would have become settled. But soon it was found that even this new synod was inoperative. For, in 1606, we find Ros compiling anew something like a diocesan statute book incorpo-

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([105]) ARSI, *Goa-Mal.* 15, f. 246: "os quadernos que mando e synodo foy feito tudo com tanta pressa que não sei como vay, porque ainda agora me vou pera Goa, à synodo, V. R. me faça charidade de me emendar tudo, e si para se mostrar ao Papa foi necessario mandarme tresladar pera que possa aparecer. Câ sempre chouve, e o papel tudo se passa. Servo Eps. Angam".

([106]) ARSI, *Goa-Mal.* 16, f. 103-105. Our excerpt is on f. 105: "A nossa synodo com hos antiguos canones da Synodo Nicena primeira tresladados de Chaldeo em Latim mandei o anno passado ao Pe. Geral, mas agora soube que se perdera, quando não ha tempo se tresladar, pello que não os mando".

rating in it many previous enactments. We discovered a copy of it in Malayalam, in the Vatican Library, *Fondo Borgiano* (107). It is dated May 16, 1606, and was published from Cranganore. In the promulgatory letter we read as follows : " However, since there have been so far no appropriate regulations for our Malankara diocese, there has been confusion among the clergy and laity. Seeing that priests and laymen act as they please, and sorrowing at it and praying divine assistance, we have resolved to frame appropriate laws for our diocese, and have selected that which is needful for our diocese from the canons of the councils of India, and the previous synods of our diocese and the decrees of the Catholic Church, and have arranged them in order, in consultation with those versed in these matters ; and having completed it, we publish this book. All are expected to conform to what has been prescribed herein (108) ". From this

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(107) Biblioteca Vaticana, *Fondo Borgiano Indiano*, n. 18. The heading is in Syriac (in Malayalam characters) ܢܡܘܣܐ ܕܡܠܢܟܪܐ ܕܡܪ ܬܘܡܐ ܨܠܝܚܐ ܥܕܒܟܕܐ ܩܠܦܢܟܠ and in Malayalam *Nammude Malankara Mar Thoma Sliha Edavekede Kalpanakal* (= Statutes of our Malankara St. Thomas' Diocese). PAULINUS A S. BARTHOLOMAEO, *Examen Historico-Criticum Codicum indicorum bibliothecae S. C. de Propaganda Fide*, Rome, 1792, p. 71, n. xxx, has the following about this codex : " Synodus provincialis seu constitutiones ecclesiasticae Archiepiscopatus Cranganorensis assentiente Clero Malabarico ab Illustrissimo ac Reverendissimo D. Francisco Garzia factae, & in tota dioecesi Cranganorensi vulgatae anno 1606, decima sexta maii, qua die Archiepiscopus per suas litteras circulares Synodum observandum praecepit ... ". Paulinus is mistaken in asserting that the codex contains acts of a synod ; we find, similarly, in the manuscript on many pages in the margin, f. 2, 14, 26, 38, 50, 62, 79, 85, (pages beginning the folds, before the book was bound), the scribbling : " syn. Crang. " written by some missionary (Paulinus ?). The contrary of Paulinus' view is evident from the proem, where it is clearly stated that it is a compilation of statutes independent of a synod. Besides, the author is not Francico Garzia, who was the Archbishop of Malabar from 1641 onwards, but Francisco Ros. When compared with the acts of the Synod of Diamper, the statutes are very soberly worded. Most of the harsh laws are dropped. The translation and publication of this codex will fill up one of the many gaps in the documentation of sources of Malabar church law.

(108) Biblioteca Vaticana, *Fondo Borgiano Indiano*, n. 18, f. 2. It is very surprising to find, after all these synods of 1583 at Angamali, of 1599 at Diamper, and of 1603 at Angamali that Ros says : " so far there have been no appropriate regulations for our Malankara diocese ". This shows how the St. Thomas Christians reacted to the innovations introduced among them.

affirmation it would follow that the Statutes now published abrogated all previous synods, including the one celebrated in the Advent of 1603, as it is declared that there have been so far no appropriate regulations and that Ros has selected and published in the statute book that which is *needful* for the Malankara diocese.

By this time, the acts of the Synod of Diamper were being printed in Coimbra, together with the *Jornada* of the Archbishop Menezes by Gouvea. The book came out of the Coimbra University Press in 1606. Certainly copies of it must have been rushed to Goa to Menezes, who was the hero of the book, and who was still the Archbishop of that see; and through Goa copies of the book must have come without much delay into Malabar, although we were not able to find any reference to the book in the correspondence of the Fathers of Vaipicotta. With the printing, the acts gained a prestige which even a papal approbation might not have easily given them. Those who attacked their legitimacy and strained every nerve to prevent approval by the Holy See began, it seems, to think, that everything was in order, and began to convince themselves that they were approved by the Holy See. But about this we shall speak later on. The printing of *Jornada* again created bad blood between the Jesuits of Vaipicotta, especially Bishop Ros, and the Archdeacon and the St. Thomas Christians. In a letter written long after the incident, by which time all original animosity must have died down, and that after the death of Ros, when personal grievances would be easily forgotten, the Archdeacon addressing the Jesuit General, to communicate his satisfaction at the nomination of Britto as Ros's successor, traces the cause of their former bad relations. The letter is dated December 1, 1624: "I could have very well written these past years and informed you of the affairs of the Church which remained in a state of exhaustion for more than twenty years of government of His Lorship the Archbishop Dom Francisco Rox who himself was always worried, not because, we, for our part, gave any occasion, as we were always very obedient to the Catholic Church and the prelates sent by her; and if we were such to the prelates sent by the Patriarch, we were very much more so to this one sent by the Pope at the request of his Majesty the King of Spain. He was the first Latin prelate who came to this Church and was accepted without any resistance from our part; even before his nomination he was in intercourse with us with great familiarity. The reason of the dissension was the printing

of a book at the order of Archbishop Dom Frey Alexis de Menezes which on information from our prelate, attributes heresy by serious calumnies unjustly attributed to this Church. Errors, perhaps, there might have been ; but heresies, which have to be confirmed with pertinacity, no. And if this Church were infected with heresy, the Fathers of the Society and other Catholic religious would not have been admitted into it ; [for this reason] one can see well the falsity of what they attributed to us. From this arose other unpleasant things ; and this state of affairs continued for twenty years. Now by the goodness of God and His mercy, he deigned to provide us with a prelate in His Lordship Stephen de Britto and we have great hopes of peace and tranquility " ([109]). The reference here is certainly to Gouvea's *Jornada*, with which were published also the acts of the Synod of Diamper. From this we can realize how strongly the Archdeacon and the Christians felt about Gouvea's publication which is singled out as the main cause of all further bad relations. There were also other circumstances that aggravated the situation. Ros, who before becoming bishop, had proposed that the Archdeacon,

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([109]) ARSI, *Goa-Mal.* 18, f. 72 : " Bem podera os annos atras escrever pera o fazer a saber as couzas desta christandade que tão cansada esteve em vinte annos ou mais que foi governada pello Senhor Arcebispo Dom Francisco Rox, que sempre esteve cançado, não porque ouvesse occazião da nossa parte que sempre fomos muito obedientes a Igreja Catholica e aos prelados por ella mandados e quando o eramos aos prelados, mandados pello Patriarcha, muito mais fomos sempre a este mandado por Sua Santidade por assy querer a magestade del Rey de Hespanha. E foi o primeiro prelado Latino que veo a esta igreja sem aver nenhuma resistencia da nossa parte foi admetido ia antes de ser nomeado prelado se communicou sempre em muita familiaridade connosquo. A causa da diçenção foi por se imprimir hum livro por horden do Arcebispo Dom Frey Aleixo de Menezes que diz por informação do nosso prelado com calunias graves injustamente impostas a esta christandade da heregia. Ignorancias por ventura averia, heregias não, que se confirma com pertinacia. E se esta christandade estivera inficionada não se admetira nella padres da Companhia e outros Relegiozos catholicos, claramente se ve ser falcidade que nos impuzerão ; daqui naçerão outros desgostos. E assi esteve em vinte annos hagora polla bondade de Deos a sua grande misericordia se lembrou em nos prover por prelado ao Sr. Estevão de Britto e temos muitas esperanças de pax e quietação ... ". It is a very eloquent letter to show the attitude of the St. Thomas Christians before and after the Diamper Synod. They had taken the Patriarch as the representative of the Pope, and even after all the forced anathemas of Diamper, they still rightfully considered him as one in communion with Rome.

a man of prudence, good judgement and good habits should be made the co-adjutor of the future bishop, after becoming bishop himself, not only completely forgot all that, but tried to curtail in a radical way the powers which had been enjoyed by the Archdeacons from time immemorial ([110]). This exasperated the Archdeacon all the more and their relations became anything but cordial. Profiting by the rivalry existing then between the Jesuits and the Franciscans, the Archdeacon openly threw in his lot with the Franciscans who had given him hopes of bringing him to power, and thus matters became worse. Under these circumstances, having become estranged from the Archdeacon, and attributing to him intentions of schism, Ros stood by what Menezes had done ; and in this state of exasperation Ros began to think that all that the Archbishop of Goa did in Malabar had been approved by the Holy See. For we read in a memorial written by Ros probably in 1610, the following passage : " Memorial. After the death of the Armenian [Bishop] who was my predecessor in Malabar, His Lordship Alexis de Menezes Archbishop of Goa acted as the governor of this Church in virtue of a brief of His Holiness Our Lord Clement VIII, and he came here in person and visited this archbishopric with great zeal and fervour, and all that he ordained he sent to Rome as Your Reverence might very well know - from where it was confirmed by His Holiness ... [The Franciscans] want now to prove that among the Christians of St. Thomas there was never [any] error in faith, [thereby] intending that this poor Church abandon what the Archbishop Dom Alexis of Goa had ordered and was approved by the Pope " ([111]).

([110]) See FERROLI, *op. cit.*, p. 301 and PLACID, *Fontes Juris Canonici Malankarensium*, Fonti, Ser. II, fasc. ix, p. 73.

([111]) ARSI, *Goa-Mal.* 17, f. 2-3v : The original text reads : " Memoriale. -Morto che fu il mio antecessore della Serra Armenio, per un breve di S. Sttà. Clemente VIII di N. Sre. D. Aleixio de Menezes Arcivescovo di Goa restò governatore di quella chiesa, et in persona qua ne venne, e visitò quest'arcivescovato con molto zelo e fervore et tutto ciò che ordenò lo mandò a Roma, come potrà ben essere che lo sappi V. R. di dove ne venne confirmato di Sua Santità ... ". (Then follow many grave accusations against the Archdeacon and the Franciscans who sided with him) " Vogliono [i Franciscani] hora provare, fra Christiani di S. Thome non ebbe mai erro nella fede, acciò questa povera Xtianità s'apparti da quello che l'arcivescovo Dom Alexo di Goa fece con molto zelo e ne venne approvato dal Papa ". The memorial is incomplete. We do not know to whom exactly it was addressed. It seems to be a copy.

We have narrated so far the history mainly to introduce this letter of Ros's where he speaks of a papal approbation. This is a very curious change of mind on the part of Ros. Except for this casual remark in a memorial full of accusations against the Archdeacon, we were not able to find any reference to a papal approbation anywhere in the correspondence of the period. There is absolutely no evidence or sign to suspect that the question of approbation of the Synod of Diamper was re-opened in Rome any time between December 1605, when Ros with all his strength repudiated the Synod of Diamper and 1610 when he wrote this letter. And it would be simply puerile to expect that after all the letters reaching Rome exposing the arbitrary ways of Menezes, the Synod should be approved. Besides, even in this letter, it must be remembered, Ros does not speak explicitly of an approbation of the Synod, although the pharse " all that he ordained he sent to Rome ... from where it was confirmed by His Holiness " might be taken to include the ordinances of the Synod as well. From where did Ros get this information ? It is difficult to answer this question quite satisfactorily. We may not be mistaken perhaps in presuming that Gouvea is Ros's source. Gouvea's book must have already reached Malabar by that time. And in the introduction and in another place towards the end of *Jornada*, Gouvea speaks of how the Pope blessed the work of Menezes in Malabar with a special brief ([112]).

Thus practically the first printing of the acts in 1606, won credit for the Synod, even among those who strained every nerve to replace it with another. Perhaps during the period of Stephen de Britto's rule, at least in the early part of it, the Diamper Synod was not forced too much on the St. Thomas Christians. This can be inferred from the letter of the Archdeacon we quoted above, which denounces Gouvea's work as a calumnious document and at the same time shows the greatest regard for the newly appointed Bishop. We have, at present, no means of tracing the further developments during the period of the next Archbishop, Garcia. Then in 1656, the Carmelites came. That the Carmelites also considered the Synod of Diamper a valid Synod worthy of all commendation is clear from the unreserved praise given to it in the narration of Vincenzo Maria di S. Cate-

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([112]) GOUVEA, *Jornada*, f.* 3v, 130. Raulin also interpreted Gouvea in a similar way. See notes 1 & 2, p. 12

rina (113). Things were drifting in this direction, when in 1745 another edition of the acts, this time a Latin translation by Raulin, with introductory history and notes, put the finishing touches to the acceptance of the Synod.

It has been observed by Cyril Korolevskij (114), that the Holy See many a time enforced observance of the acts of the Synod. We are inclined to think (115) that only with Raulin's edition the Synod of Diamper came to be known well in Rome and from that time only the Sacred Congregation of the Propagation of Faith, began enforcing one or other of the decrees. Now it only remains for us to cite the few decrees of the *Propaganda* known to us.

In 1757 the Sacred Congregation of the Propagation of Faith, in order to print the Syro-Malabar Missal in Rome, asked for a copy, corrected according to the norms given by Menezes in the Synod of Diamper (116). But on knowing that a different text was actually in use, the Sacred Congregation finally decided not to change it, to any considerable extent.

Another case of how the *Propaganda* intervened in favour of the Diamper decrees, was in obliging the Syro-Malabar Carmelites, by their Constitution which was approved by the Sacred Congregation, to observe the days of fast prescribed by the Synod (117). But this regulation was deleted by a special decree of the same Sacred Congregation, *Cum in Generali*, of March 31, 1916 (118).

We are not at present aware of any other decision of the Sacred Congregation of the Propagation of Faith in favour of

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(113) Vincenzo Maria di S. Caterina, Carm. Scal., *Viaggio alle Indie Orientali*, Venice, 1678, p. 150.

(114) C. Korolevskij, *art. cit.*, p. 705.

(115) Our intention was to find out all the decrees of the Sacred Congregation of the Propagation of Faith, where, in one way or other, the acts of the Synod of Diamper were intended to be enforced. With this view in mind, we consulted the first 30 volumes (from 1622-1661) of the acts of the Congregation. We were unable because of ill-health and want of time to complete the search. In these first 30 volumes, there is no mention of the Diamper Synod.

(116) See *SBPP*, p. 55-58.

(117) *Regula et Constitutiones Sodalitatis Fratrum Excalceatorum tertii ordinis B. M. V. Immaculatae De Monte Carmelo in Malabaria existentium*, Rome, 1907, Cap. X, § 3 : " Item ex regula jejunabunt omnibus diebus, quibus synodus diamperitana praecipit vel consulit jejunium ".

(118) The decree is appended to the Constitution.

the decrees of the Synod of Diamper. What is the bearing of these provisions of the Sacred Congregation on the question of the validity of the Synod? Certainly they cannot be considered as a general approbation of the Synod. The *Propaganda* acted under the supposition that the Synod was legitimately conducted, and consequently prescribed one or other of its decrees for observance. And when it was found expedient, it did not hesitate to relax its force either. From such conduct on the part of the S. Congregation, the Synod does not gain any more efficacy than it actually had.

We find an echo of the importance that began to be given anew to the Synod of Diamper and its author, in the brief *Speculatores super universum* of June 29, 1874 ([119]), issued by Pius IX, in which once again, as in the brief of Clement VIII, *Divinam Dei*, the work of Menezes is described in glowing terms, as that of one who brought the St. Thomas Christians to accept the Pope's supremacy.

This might be the place to stop our narration of the developments in connection with the approbation of the Synod of Diamper. We have shown meanwhile how Menezes, who had no authorization to convoke the Synod of Diamper, did not actually intend to celebrate a diocesan synod proper, and how the Synod was conducted without due form and finally how many decrees were added to it secretly.

Hence until and unless one produces a document of the Holy See, redeeming the grave and substantial defects of (i) the lack of authority in the one who convoked it, (ii) the absence of intention in the one who conducted it, (iii) the lack of form in the manner of holding it, and (iv) the lack of integrity in the text promulgated, we have to regard the Synod as invalid.

([119]) *Jus Pontificium*, vol. VI, par II Rome, 1895, p. 243-47.

Chapter V

CONSUETUDE

We have shown in the previous chapters that the Synod of Diamper was not a valid one legitimately convoked or conducted according to the sacred canons, and that it was never approved by the Holy See. At the same time we have also seen how it came to be considered in course of time as the basic code of church legislation for Malabar. Thus we are naturally led to the question of the legal force of the consuetude thus introduced. We shall, therefore, first describe how and in what manner the decree of the Synod were introduced in the St. Thomas Christian community; and then, after having clarified how and with what effects error may influence the formation of a legal consuetude, we shall apply these principles to our case.

The first point to note is that the consuetude in our case grew out of the continuous application of the decrees by the prelates who governed Malabar and who erroneously considered the Synod a valid one. How this came about, we have already described in the previous chapter.

We have at present to inquire how these new ordinances have been received by the faithful down to our times. There can be no doubt about the fact that the St. Thomas Christian community as a whole disliked and detested the drastic changes introduced by Menezes, and the high-handed way in which they were put into execution. Already in 1603, four years after the Synod, Ros writes that the decrees were not observed by the people: "Pointing out to His Excellency that if His Holiness confirmed the above-said Synod he would be placing all these Christians in a state of mortal sin, as they are not observing it" (1). It was because of this, that a new synod had to be held in 1603, where many of the hard obligations were either dropped or modified. But, even in this mitigated form, the changes introduced were not well observed. For we find again in 1606 Ros lamenting that there were no proper laws for the

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(1) See ch. IV, note 63, p. 130.

diocese, and that people did what they pleased (2). We have no means, at present, of continuing this story with appropriate documents. Nevertheless, that in general the St. Thomas Christians resisted some of these innovations for yet a longer time can be deduced to some extent from their strained relations with their prelates. But it is likely that the main reason of their discontent, was the loss of the hierarchy of their own rite and their subjection to Latin bishops. Slowly, however, they became reconciled to their lot, and the spirit of resistance vanished so far as observance of the laws inspired by the Synod of Diamper was concerned.

It is evident that the faithful accepted the new order of things, thinking that it was binding on them. The Archdeacon had questioned the authority of Menezes to intervene in the affairs of the Church of Malabar. And the priests and the people were witnesses of the arbitrary manner in which things were done at Diamper, although they were, in all likelihood, ignorant of the other serious breaches of trust on the part of Menezes. But the priests as well as laymen were not in a position to judge for themselves whether the procedure was canonical and the decrees binding. However much they detested the innovations, we are not aware of any tradition in the Malabar Church, of the validity of the Synod being directly questioned, till very recent times. During the period of the Carmelite rule, many copies of the Synod were made (3). The translation of the acts into Latin by Raulin seems to have given an impetus to this practice (4). Thus the Diamper Synod became slowly the hallmark of orthodoxy. It also became the gate through which schismatics, who had drifted away from the union of the Church, after the *Koonan Kurisu oath* of 1653, were obliged to re-enter the true fold. The Catholics had by this time resigned themselves to their lot, and followed in general many of the prescriptions of the Synod, although they still preserved a vague remembrance of how, in the beginning, immediately after the Synod, not a few had refused to accept its decrees. This fact and other sidelights on the times are given by Fr. Thomas Paremakil in

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(2) See ch. IV, note 108, p. 150.

(3) It is some of these copies that we have in the Vatican Library. See Appendix, § 2, a, i-iii, p. 177-8.

(4) The copies were, however, made from the existing Malayalam text and not by translating Raulin. See Appendix, § 2, a, vii, p. 187 sq.

his *Diary* (5), in which he narrates the story of the voyage to Rome of Mar Joseph Kariattil (6) whom he accompanied. The first part of this diary was written during his return trip to India some time in 1785. The main purpose of their journey was to bring about the reconciliation with Rome of Mar Thoma VI, the Jacobite bishop, who was willing to accept the papal authority, when their undertaking was being obstructed by the Carmelite missionaries. The author is commenting on the allegations in a report sent by the Carmelite Fathers to Rome and to Lisbon. The tenth point in that report was directly about Mar Thomas VI's reunion with Rome which is quoted in the Diary as follows: "It is true that he [Mar Thoma VI] is willing to become a Catholic; but, he wants it in a way that pleases him, i. e., he is not prepared to accept the Synod of Diamper" (7). To this allegation Paremakil replies: "You Carmelite Missionary admit that by the grace of God, Mar Thoma is prepared to become a Catholic and in this God makes you tell the truth. But as a sign of lack of preparation you adduce that he intends to follow his own liking in this. But, what is his liking in this matter? About his mind not to accept the Synod of Diamper, let me ask you, how you came to know

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(5) PAREMAKIL GOVERNADOR, *Diary, Description of the voyage of Mar Joseph Metropolitan to Rome*, 1778-1786(Malayalam), parsI , Athirampuzha, 1936. The text was taken from a copy. Later on, what seems to be the original was found out. It is with Mr. Hormes, Parai Tharakan, Ezhupunna, T. C. State. The manuscript was in two parts, and was in the possession of the Parai family. Mgr. Marceline is said to have taken the book for writing his *History of the Catholic Church in Keralam* and after that the second part has been missing so far. The author Paremakil became the Administrator (or Governador, as he was usually called) of Cranganore and ruled the archbishopric from 1786 to 1799, the year of his death. Although, occasionally vehement in its expressions, the book is written in all sincerity. Besides, being a very important document of Malabar Church history, it contains very interesting descriptions of the sea voyage to Europe and of some of the cities of Brazil, Portugal and Italy.

(6) Mar Joseph Kariattil was a student in the Propaganda College, Rome, and took his doctorate in S. Theology, of which he was the professor on his return to his country, in Alangatt Seminary, Malabar. In 1778 he set out, in company with Fr. Thomas Paremakil, for Rome. In 1782 he was nominated Archbishop of Cranganore while at Lisbon, and received the episcopal consecration there. On returning to India, soon after landing, he died in Goa on September 10, 1786.

(7) PAREMAKIL, *op. cit.*, p. 462.

this ? Did he ever tell you so ? I don't think so. And if you thought it out for yourself, it would have been more logical to have concluded the other way. For, since he is prepared to become a Catholic, as you yourself admit, and is ready to accept without default the Catholic doctrine and the councils recognised by the Church, he ought to have been considered disposed to receive also the Synod of Diamper, which is generally accepted in our Malankara Diocese. Now, what if, as you say, he is not inclined to accept the Synod of Diamper ? On that account should he be refused to be received into the faith ? No, no. For, neither Christ, nor the Apostles have taught that the Synod of Diamper is part of the revealed truth ; nor has the Church so far declared so. There are many faithful in diverse countries, where even the name of the Diamper Synod is not so much as mentioned. Besides, even in our Malankara, the churches of the north did not accept it, even at the time when it was conducted ". The author then proceeds to say that the real reason why the Carmelite missionaries pressed the question of the Synod of Diamper, and reported falsely about the Jacobite bishop's attitude towards it, was to influence adversely the Queen of Portugal in the question of his reconciliation, since the Diamper Synod was conducted with the King of Portugal's good pleasure ([8]).

This was the general view that prevailed in Malabar till very recent times.

Now we must proceed to study how error would influence the formation of legitimate consuetudes, with special reference to, as in our case, consuetudes *praeter legem*.

The authors are not all in agreement on this point. We might for our purpose group them into two classes : one upholding that consuetudes through error, especially consuetudes *praeter legem* cannot be legitimate as the consent of the people is required ; the other denying this. Suarez has expressed the first view unequivocally. He says that in consuetudes *praeter legem*, error can arise only by falsely thinking that something is either forbidden or prescribed. But in both cases there can be no question of an intention to introduce a new law on the part of those who observe the consuetude ([9]). Pichler deduces the neces-

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([8]) *Ibid.*, p. 507-9.

([9]) F. SUAREZ, *De Legibus*, lib. VII, C. 12, n. 4-5 : " In his quae sunt praeter jus, non potest errari circa jus, nisi vel existimando illa esse prohibita, vel existimando illa esse praecepta. Stante vero priore errore (ali-

sity of the absence of error from the definition of consuetude accepted in jurisprudence which is said to be " tacit convention of the people ". He argues that from this definition it follows that a consuetude can be effected only by voluntary acts and voluntary acts cannot proceed from ignorance or error (10). Reiffenstuel has expressed the same view in uncompromising terms stating that there is nothing so contrary to consuetude as ignorance and error (11). We might close this list with Schmalzgrueber, who treating of consuetude, says that people should know of the presence of a law to abrogate it or of the absence of one to introduce something instead. He argues that otherwise the acts will not be voluntary, as nothing is so contrary to consuetude as error (12). All these authors (13) hold that error or ignorance would render ineffective consuetudes *contra legem*, as well as those *praeter legem*.

There are other writers, who, while holding to the necessity of absence of error or ignorance in the introduction of consuetudes *praeter legem*, concede that in the case of consuetudes *contra legem* one need not attend so strictly to error: Van Hove cites d'Annibale and F. X. Zech as partisans of this view (14).

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quid esse prohibitum lege) non fit consuetudo inductiva juris quia hoc non intenditur, sed potius derogare juri, neque inducitur consuetudo derogans juri, quia revera nullum datur jus, cui derogatur. Stante autem posteriore errore (aliquid esse lege praeceptum) non potest consuetudo inducere legem, quia non fit eo animo, sed potius, animo servandi legem ".

(10) V. PICHLER, *Jus Canonicum*, t. I, lib. I, tit. IV, n. 9 : " Tertia pars patet ex l. 35 cit. ubi consuetudo vocatur *tacita civium conventio*, & ex § 9 cit. ubi *diuturni mores consensu utentium approbati, legem imitari* dicuntur ... Ergo actus debent esse voluntarii ; voluntarii autem non sunt qui procedunt ex ignorantia aut errore ".

(11) A. REIFFENSTUEL, *Jus Canonicum Universum*, t. I, lib. I, tit. IV, *De Consuetudine*, n. 126 " ... si error contingeret circa substantiam actus ipsius consuetudinis, haec vires firmas numquam obtineret. Siquidem nihil magis voluntati est contrarium quam ignorantia et error ... ".

(12) F. SCHMALZGRUEBER, *Jus Ecclesiasticum Universum*, t. I, par. I, tit. IV, n. 14, 5 : " Non debent procedere ex errore, vel ignorantia, sed populus debet scire, quod lex sit lata, ut illa per consuetudinem abrogetur, vel nulla adhuc circa talem materiam lata sit, ut circa illam consuetudinem per modum legis constituat ; alias actus ejusmodi erunt involuntarii, cum nihil contrarium magis sit consensui, quam error ... ".

(13) For other authors see the references given in A. VAN HOVE, *De consuetudine et temporis supputatione*, 1933, p. 124.

(14) A. VAN HOVE, *op. cit.*, p. 124-25.

The second group of authors admit the possibility of forming consuetudes, even those *praeter legem*, through error. The main exponent of this view is Wernz. He makes a distinction between antecedent and concomitant errors in describing the influence of error on the formation of consuetudes. By antecedent error he understands one that cannot co-exist with an interpretative will from the part of the persons concerned in favour of the consuetude and by concomitant error one that can very well be so. He maintains that antecedent error alone is contrary to the consent required for the introduction of new consuetude, either *praeter legem* or *contra legem*. He quotes other authors as well in support of his position (15).

Thus even before the Code of Canon Law was published, there were two opinions about the efficacy of consuetudes originating from error. In the Code, canon 28 requires that consuetudes *praeter legem* should be introduced knowingly (*scienter*) while there is nothing similar explicitly said of consuetudes *contra legem*. Van Hove admits that the text of canon 28 seems to favour the view that neither antecedent nor concomitant error would be sufficient to establish a legal consuetude *praeter legem*. But he says, nevertheless that it seems to him that the view which excludes only that type of error which would destroy altogether a will to introduce a new obligation, and not merely concomitant error, is to be preferred (16). The same opinion is

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(15) WERNZ, *Jus Decretalium*, t. I, n. 190, note 71 : " Cfr. SUAREZ, *De virtute et stat. relig.* tract. VII, lib. 9, cap. 14, n. 11, ubi disputans de coelibatu clericorum optime explicat, quomodo res ab initio non praecepta transeat in obligatoriam, si per usum *paulatim mutetur iudicium*. Si a populo unice propter *legem* quamdam *putativam* per multos annos servaretur, v. g. aliquod festum vel jejunium, consuetudo *praeter jus* non oriretur, atque detecto errore, nulla remaneret obligatio. Consuetudo enim *praeter jus* essentialiter requirit consensum quemdam praevium populi in novum illud jus ; at ubi unice error talis intercessit, nec populi consensus habetur, nec legislatoris *consensus legalis* potest supponi. Cfr. SUAREZ, *De legibus*, l. VII, cap. 12, n. 1sq. Quae argumentatio nequit extendi ad errorem concomitantem. Nam illo non obstante, potest in fidelibus existere animus legi vere *oppositus*, vel vicissim intentio, qua vellent legem quamdam existere, etiamsi scirent illam non ligare. Quare in priore casu poterit induci consuetudo *contra jus*, in altero *praeter jus* ". Then he quotes other authors.

(16) A. VAN HOVE, *op. cit.*, p. 130-131 : " ... praeferenda videtur doctrina quae illam tantum ignorantiam excludit quae est omnino elisiva voluntatis inducendi novam obligationem, non errorem mere concomitantem ".

held by a few other canonists as well [17]. The opposite view is defended by some others [18]. We shall give here only what Michiels says who has strongly advocated the latter view. He says that the distinction of error as antecedent or concomitant is quite out of place in the question of the introduction of consuetudes. Error is considered to stand against a consuetude, not because it rules out all possibility of a will favourable to it in those who introduce it, but simply because it excludes all *actual* intention thereto [19].

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[17] A. Van Hove, *loc. cit.*, note 2 gives, besides, G. Bauduin and F. Wernz, who wrote before the Code, H. I. Cicognani, F. M. Cappello, I. Chelodi - E. Bertagnolli, J. B. Harring, as defendents of this view. G. Michiels, *Normae Generales Juris Canonici*, vol. 2, ed. 2, Paris, 1949, p. 132, note 2, adds to this list Wernz-Vidal, and Van Hove himself.

[18] G. Michiels, *loc. cit.*, in note 4 enumerates Eppler, Fedele, Cicognani-Staffa, Rodrigo.

[19] G. Michiels, *loc. cit.*, p. 132-34 : " Non *pauci auctores* docent *solum errorem antecedentem*, qui est vera inductionis causa, esse juris *consuetudinarii exclusivam*, non vero errorem mere concomitantem, qui de facto nullum exercet in usum inducendum et servandum causalem influxum ...

Quae distinctio, meo sensu videtur rejicienda. Admittendum est sane quod in casu erroris mere concomitantis communitas potest habere intentionem legem novam inducendi, imo, quod hanc intentionem de facto haberet, si de facto sciret actus a se positos non esse obligatorios. De facto tamen nescit actus a se positos non esse vi legis anterioris obligatorios, ideoque de facto seu actualiter non habet intentionem inducendi novam legem, sed potius, ut ait Suarez, *loc. cit.*, servandi legem positivam. Porro ratio cur error habetur juris consuetudinarii impeditivus, non est quia impedit possibilitatem intentionem novam legem inducendi, sed quia, quamdiu durat, hanc intentionem actualem de facto excludit.

Quapropter omnino *tenendum est omnem errorem* qui versatur circa consuetudinis substantiam, *sive antecedentem sive concomitantem* esse juris consuetudinarii exclusivum ... ". Then the author replying to the objections raised by Van Hove, *loc. cit.*, observes : " Inter probatos Auctores ante-codicales admodum pauci sunt Doctores animum interpretativum in casu erroris concomitantis ut sufficientem admittentes " and in the footnote adds : " Ipse Van Hove, *loc. cit.*, duos tantum allegat auctores, videlicet, Bauduin, et Wernz ". We shall close this citation with an observation made by the author in a footnote, *ibid.*, " Non immerito, de cetero, animadvertitur in scientia adversariorum theoretice utique faciliorem esse inductionem consuetudinis, practice vero difficilius probari posse ejusdem existentiam, atque proinde normam consuetudinariam ita inductam practice quasi semper manere incertam ; haud facile enim est determinare cum certitudine omnimoda communitatem revera habere animum interpretativum de quo supra ".

From what we have cited above it is clear that there were before the Code, and are at present, two views, well supported by authorities on either side, on the possibility of introducing a legitimate consuetude *praeter legem* through error; one affirming its possibility, in case a certain interpretative intention can be ascribed to the people, and the other not admitting such an explanation, and categorically denying all legal value to consuetudes arising out of error or ignorance.

What shall we now say about the decrees of the Synod of Diamper? To begin with, we must take cognizance of the fact, that the question of the influence of error on consuetudes does not assume here immediately such large proportions as one might be tempted to take for granted at first. For, if the decrees of the Synod of Diamper have been observed to a great extent down the centuries, this has not been entirely due to the merits of the Synod itself, but mainly because these prescriptions were constantly enforced by successive bishops who ruled the Church of Malabar. Now, the bishops who enforced these laws by their proper ordinances had, in themselves, the faculty to enact diocesan laws; and since the Synod of Diamper, in the supposition that it was a valid one, would amount only to a diocesan synod, it would not, theoretically speaking, limit the legsilative power of the bishops. We said, theoretically; because, in practice, it is beyond doubt, that had it not been for the Synod of Diamper, perhaps none of the bishops would have gone in that direction as far as they did. What about the ordinances of these later bishops, who enforced the decrees of the Synod of Diamper in one way or other? Do they become invalid on that account? A bishop in framing diocesan laws is to be considered, *per se*, as proceeding on his own initiative; and therefore, unless the contrary is proved, we have to presume these later enactments to be independent legislations of the respective bishops. But here another consideration arises. The Malabar Church was deprived of the jurisdiction proper to its rite soon after the Synod of Diamper, and till 1896 it was Latin bishops who governed it ([20]). One might, therefore, discuss here the limits within which a Latin Ordinary governing the Orientals is permitted to exercise his legislative faculty ([21]); and one might pose the question, as far

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([20]) The only exceptions were Mar Alexander Parampil (1663-87), Mar Joseph Kariattil (1786), and Governador Thomas Paremakil (1786-99).

([21]) Cfr. Communication of S. C. of the Propagation of Faith to the Archbishop of Paris, May 12, 1890, referred to by A. Coussa, *Epitome*

as the legal force of their rulings goes, whether the Latin bishops or the vicars apostolic have in this matter exceeded these limits, and thus acted invalidly even if they have proceeded of their own accord, independently of the decrees of the Synod of Diamper. As a matter of fact, the same question can be asked in relation to the Diamper Synod itself which was conducted by the Latin Archbishop of Goa for the Oriental St. Thomas Christians. One might inquire, for instance, granting that the Synod of Diamper was a valid one, whether some of its acts did not overstep the limitations of the legislative powers of a Latin Ordinary governing Orientals ? ([22]). We think that it will appear to anyone who looks impartially at the decrees of the Synod of Diamper that Menezes went too far. Even the Holy See with its plenitude of power seems not to have done anything on the same scale in changing established customs and liturgy and in imposing new obligations. But it was not within the scope of our present dissertation to discuss this problem at length since that would require a study by itself on the general question of the limitation of the legislative powers of Latin Ordinaries entrusted with the care of Oriental flocks. Only from such a study shall we be able to define with more accuracy, in what way the successive Latin Ordinaries would have acted beyond their faculties in enforcing, on their own responsibility, the decrees of the Synod of Diamper. Besides, we are not at present in a position to present in detail and with precision the relation between the Synod of Diamper and the later Church discipline of Malabar. Before that an adequate study of the post-Diamperitan sources as far as the Syro-Malabar Church is concerned, has to be made. But in general, one might say that many of the innovations introduced by the Synod were sustained and continued by later legislations. It is because of these special circumstances that we remarked at the outset, when we entered upon the question of the influence of error on consuetudes arising from the Synod of

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Praelectionum de Jure Ecclesiastico Orientali, vol. III, *De Matrimonio*, p. 220, note 899.

([22]) We might even seriously question whether the Synod of Diamper did not overstride the limits of a diocesan synod conducted by a legitimate Oriental bishop. A. Coussa, *op. cit.*, p. 220 has : " Receptum, praeterea, est inter orientales, synodos proprie dictas (provinciales, etc.) dumtaxat de impedimentis ad matrimonium, nec non de hujus forma celebrationis decreta ferre posse ". The Synod of Diamper legislated not only on impediments of Matrimony, but even on more fundamental issues.

Diamper, that it might not have directly such importance as one might be led to think at first. We said, directly; for indirectly the question would still be of importance because, if later legislators are judged to be incompetent with regard to some of their legislations, then the same question, although in a more limited way, will have to be shifted from the consuetudes arising out of the decrees of the Synod of Diamper to those originating out of the later invalid ordinances of bishops.

The question of consuetudes, therefore, has practical importance only for cases where the decrees of the Synod gave rise to consuetudes without further legislation on the part of the bishops, who governed the Malabar Church in later years; or with such legislations of later bishops which are to be considered invalid.

To apply now the principle of the influence of error to our subject, we have no one solution which would compel everyone's acceptance, since, as the preceding pages point out, authors are not in agreement on the principle itself. Writers, therefore, treating about the consuetudes arising from the Synod of Diamper, might as well follow whichever of the two opinions they think correct ([23]). Nevertheless, we think that the following observations can be made safely.

Invalidating or 'inhabilitating' laws originating from the Diamper Synod have to be considered, in practice, as not binding. For in case of doubt, such laws are to be deemed non-existent. Thus, for example invalidating impediments of Matrimony, resting on mere consuetude arising from error, even if they be long-standing cannot be considered as operative.

Similarly some of the consuetudes, although long accepted in a Church, might be not in consonance with the spirit of that

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([23]) A. Coussa, *op. cit.*, p. 220 has: "Ad secundum: non ex praefata Synodo, sed ex consuetudine pacifice admissa, in emendatione morum, obtinuit praescriptio illa [de forma matrimonii].

Notum est Malabarenses, quod attinet ad matrimonii disciplinam, sicut ad alia, fere omnia, disciplinae ecclesiasticae capita, latini juris regi praeceptis, a clericis eiusdem ritus (qui eorum Malabarensium curarunt ad unitatem catholicam reditum), mutuatis. Prudens, proinde, ni fallimur, moveri posse dubium putamus: an eorumdem persuasio et usus seu consuetudo niteretur errore. Scilicet iidem servare coeperunt Tridentini decretum quia voluerunt illud in proprium (orientale) jus inducere, an quia putarunt se eodem detentos fuisse. In altero casu, consuetudo obtinere non potuisset utpote nixa errore".

Church, and thus, should be considered wanting in a necessary quality required of a legitimate consuetude, namely, *rationabilitas*. Wernz has made the following observation in this connection: " A consuetude is to be considered unreasonable when it is manifestly opposed to reason, special attention being given to the nature of an ecclesiastical institution " (24). Thus in our case at least some of the changes introduced in the Syro-Malabar liturgy by the Synod of Diamper are certainly not in conformity with the general spirit which pervades that liturgy and as such need not be considered to have gained stability by mere continued use. Perhaps one can add other items also under this heading.

Apart from these cases, it would be a little hazardous to declare that customs which have really penetrated into the very life of the faithful, and from long long ago have been observed regularly and without any resistance, should lose all their juridical force merely by the fact that they are discovered to be based on error.

We shall close this chapter with a word on the Diamper Synod, as a *supplementary source* of the church legislation of Malabar. One who does not know Malayalam or the history of the Malabar Church might be led to think that the acts of the Synod are practically the only code of law ever made for Malabar; and that in defualt of it, there would be real need of some supplementary source. Of course, there is no question here of a supplementary source in the strict sense, i. e., with real force of obligation but only of a source, as a directive norm. Nevertheless, the decrees of the Synod do not actually serve even such a function.

Although the Synod of Diamper had great authority before in the Church of Malabar, there are other extensive laws and statutes made for the Church of Malabar, by her more recent prelates. The most important of these are the Statutes published by Mgr. Leonard, the Vicar Apostolic of Verapoly, in 1879. In these every section of Christian life has been touched on. There was later, a corrected edition of these decrees, by Mgr. Makil, which is still in use in Changanacherry, Palai and Kottayam. At Eranakulam, there is a special collection of decrees published under the name " Statutes of the Eranakulam Archdiocese ", and

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(24) F. X. WERNZ, *op. cit.*, t. I, n. 190, III: " E contra *irrationabilis* dicenda est consuetudo facti, quae ... *sanae rationi* praesertim attenta singulari natura alicujus instituti ecclesiastici manifeste adversantur".

in Trichur a small code of laws in the form of canons has been prepared and published as late as 1946. Actually, no one goes to the Diamper Synod as a supplementary source. In case, there happens to be a real need, it is to the Latin Code that the Syro-Malabar Church looks as a directive norm. This will continue to be so until the Oriental codification is completed.

Chapter VI

CONCLUSION

The Synod of Diamper can be examined from three different angles. It can be looked at as a piece of Malabar church legislation. It can be studied as a document of Malabar church history. And finally it can be evaluated as a historical factor which has profoundly influenced the course of events in the Church of the St. Thomas Christians during the centuries that followed it.

In our thesis we were occupied with the first of these questions : what value must we attribute to the Synod as an embodiment of church discipline and law ? This was our scope ; but we limitted it to the Synod as a whole, refraining from considerations of its decrees in particular.

At the very outset of our thesis, we specified that the Diamper Synod would have to be considered as a diocesan synod, supposing for the moment, that it was legitimately conducted according to the sacred canons, for the simple reason that although the whole of the province of St. Thomas Christians was represented in it, nevertheless, nobody exercised legislative power there except Menezes who claimed to be the legitimate administrator of the vacant diocese.

Next we examined the titles put forward by the Archbishop of Goa, in virtue of which, he was conducting the Synod. From an analysis of the two principal sources, the convocatory letter issued by Menezes before the Synod, and the inaugural address given during the first session, as reported by Gouvea, the historian of the Archbishop, we found that Menezes considered himself entitled to convoke and conduct the Synod, in two adequate and distinct capacities, namely, as Metropolitan of Angamali, which was at that time vacant and without a Cathedral Chapter, and as the executor of the two briefs of Pope Clement VIII, one of January 27, 1595, and the other of January 21, 1597. It was claimed by Menezes that both these titles invested him with the entire administration of the vacant diocese ; and that the faculty to conduct a diocesan synod was a part of the over-all jurisdiction that devolved on the Archbishop of Goa. This was the claim and its extension.

We next showed that neither of these titles can be upheld. About the first, that of Metropolitan of Angamali, the simple fact was that the Archbishop of Goa had no metropolitan rights over the Church of Angamali. From the very beginning of the establishment of the See of Goa, the Bishop of Goa always presumed he had full jurisdiction all over India. But, the Chaldean Patriarchs, after their formal re-union with Rome in 1552, had secured papal recognition for their claims over the ancient Church of the St. Thomas Christians, and had even obtained briefs from the Pope to the Archbishop of Goa and the Bishop of Cochin asking them to respect the Patriarch's jurisdiction, and not to molest Mar Abraham, sent by the Patriarch to govern the St. thomas Christians. Thus the Archbishop of Goa had no metropolitan rights over Angamali, and in fact, Angamali was reduced to a suffragan see subject to Goa, only after the Synod of Diamper. We have also pointed out that what Menezes actually did in Malabar could not have been legitimately done by him, even if he were its metropolitan. In some instances Menezes went even beyond the powers of an administrator.

The second title, that of the two briefs, did not empower Menezes to convoke the Synod of Diamper. We have shown that the briefs were authentic and genuine and free from substantial defects. The briefs did not say a word about the conduct of a diocesan Synod. Nor can it be said that such faculties were contained implicitly in them. The main authorization the briefs gave to Menezes was to nominate a vicar apostolic for the vacant see of Angamali. The Synod of Diamper had actually nothing to do with the nomination of a vicar apostolic. In all the decrees or acts of the Synod we will be hard put to it to find a single sentence about this subject. Even the possibility of linking the Synod with the appointment of the vicar apostolic is not only remote, but any attempt at doing so would appear far-fetched and totally unrealistic, as we have shown in the body of the dissertation. Thus both the titles put forward to legitimize the Synod fall, and we have therefore to conclude that Menzes invalidly convoked the Synod of Diamper.

How was the Synod conducted ? The great majority of priests who participated in it were those ordained by Menezes himself within the space of three or four months, and in batches of 30 or 50, precisely for the sake or winning for himself a party in the Synod ; and Menezes had no right to give ordination in Malabar. He had his way, to a great extent, owing to the help of the native kings, who intimidated the Christians with threats

of serious punishment. During the Synod things were done quite arbitrarily. We have the irrefutable witness of Ros himself to show that in the beginning Menezes had no intention of convoking a formal diocesan synod. He had in mind only the giving of a directive norm for the Church of the St. Thomas Christians. Only after the convention was over, when everything seemed to have gone well beyond his expectation, did the Archbishop want to affix to the gathering at Diamper, the formal title of a diocesan synod. Again, we have the witness of his whole-hearted co-operators Ros and two other Jesuit Fathers, to the grave irregularities committed by him in the holding of the Synod. Ros has said absolutely that not a single one of the prepared decrees was discussed and changed. Moreover the decrees were read in Portuguese which neither the laymen nor the priests understood. And at the end they were obliged to sign a translation in Malayalam the contents of which they were given no opportunity to study. It was only due to Ros's insistence that they consented to affix their signatures.

The woes of this Synod were not over with its conclusion. Menezes took the liberty of adding more canons *ad libitum* after the Synod was over, and of inserting them in the body of the text. It was this revised text that was sent to Rome for papal approbation. Without knowing the full story, Pope Clement VIII issued the brief *Divinam Dei* in 1601, showing his satisfaction at the work accomplished and bestowing his apostolic blessing on Menezes and his endeavours, especially in the conduct of the Synod. But, the brief did not contain any formal approbation of the Synod as such, even in an implicit way. The Clementine Congregation of Cardinals, the forerunner of the present *Propaganda Fide*, never actually examined the acts of the Synod, for although a Latin translation was got ready in Rome to be presented to the Holy See, it was finally decided not to present it. In 1603, Menezes, not fully aware of the vicissitudes of the acts of the Synod in Rome, wanted to try by himself again for papal approbation. So he wrote to Malabar and got from Ros the signatures from the document signed at Diamper. These signatures were thus affixed to a Portuguese text in many ways different from the one to which they were originally attached. But Menezes, owing to the influence of Ros, seems to have abandoned the idea of getting the acts approved by Rome, and instead, made arrangements to get them published at Coimbra. They came out in 1606 together with the story of his visit.

Meanwhile, Ros, who had become the Bishop of Angamali

soon after the Synod of Diamper, knowing the defects of the Synod and finding it intolerable to the Christians, convoked another diocesan synod in the Advent of 1603, in which many of the decrees were altered or dropped, to the general satisfaction of all. The second synod was to be presented instead of the first, for apostolic approbation. But, the Latin translation of this new synod wich was got ready in Malabar and sent late in 1605 to Rome, was lost on the way, and no second attempt at translation was made. Even the decrees of this second synod were not very well observed, and, therefore, Ros, in 1606, compiled a statute book of diocesan laws for Angamali. After some time Gouvea's *Jornada* with the acts of the Diamper Synod reached Malabar, and Ros seems to have gone back on his repudiation, perhaps erroneously thinking that the Synod had been approved by Rome. Thus slowly, the Diamper Synod found its place again in Malabar, through Gouvea's book. The prelates who came later accepted it, unaware of the whole story, and enforced it by their own legislation. Then in 1745, Raulin prepared a Latin translation of the acts and won for the Synod still greater popularity. Thus the S. Congregation of the Propagation of Faith was led to enforce some of its decrees ; a manner of acting, however, which cannot be considered as an approbation of the Synod as such.

This is the story of the conduct and approbation of the Synod of Diamper. So, unless and until one is able to produce a document showing the formal approbation of the Holy See, redeeming (i) the lack of authority in the one who convoked it, (ii) the absence of intention in the one who conducted it, (iii) the lack of form in the manner of conducting it, and (iv) the lack of integrity in the text promulgated, the invalidity of the Synod stands proved.

The consuetudes that have arisen out of the decrees of the Synod, have been formed mainly by the constant application of these prescriptions by later legislation on the part of the Latin prelates who governed the Church of Malabar till 1896. The question of consuetudes, however, does not assume large proportions in so far as many of the prescriptions of the Synod were enforced by later legislation as well. There is real difference of opinion among canonists concerning the legal force of consuetudes *praeter legem* arising out of error, one group sustainig it under certain circumstances and the other not. We have concluded that as a practical norm consuetudes based on error should be considered inoperative in matters of invalidating or ' inhabilitat-

ing ' laws. We have also said that consuetudes not in agreement with the general spirit of a Church's discipline or liturgy do not become established even after a long period. On the other hand, we have maintained that in other cases, where by long usage a certain practice has become part and parcel of the Christian life, and has been observed with regularity and without resistance for a very long time, it would be hazardous to say, that it loses all juridical value only because it has ben found to be based on error ; but, in this matter, one is free to choose either of the two opinions, whichever one thinks correct and just.

Considering now the Synod of Diamper, as a document of Malabar Church history, one has to take into account its meritorious as well as its less creditable aspects. The *Synodo Diocesano* with *Jornada* is a real treasure of Malabar church history, since we have hardly any other account so detailed or vivid for that period. It gives a fairly correct idea of the many customs and practices of the people. But since it has been written and compiled mainly with the purpose of eulogizing the Portuguese missionaries and the missionary effort of Portugal, it has exaggerated, in many cases, the abuses prevalent in Malabar. We have had occasion, during our dissertation, to demonstrate how biased are some of the views it contains. The very story of the compilation and passing of the acts of the Synod should caution us to take some of its assertions with reserve. We have, further, pointed out that immediately after its publication it was repudiated by the St. Thomas Christians as containing many calumnious invectives against the Malabar Church. So one who relies only or mainly on the Diamper Synod for the history of the customs and traditions in vogue in Malabar during the XVI century, might be exposed to serious error of judgement.

The Diamper Synod was a turning point in the history of the Church of Malabar. It gave a definite form and set-up to the tendency of Latinization that slowly prevailed in the Church of Malabar from the time the first Portuguese missionaries set foot there. It effectively removed some of the abuses arising out of the ignorance of the people, and clarified the Catholic doctrine leaving no room for ambiguity. It severed in one coup the age-long relation that the Church of Malabar fostered with that of Babylon. Partly this was beneficial to the Church of Malabar, in so far as, it liberated her, in spite of herself, from the varying fortunes and vicissitudes of the Chaldean Church which was then not in a position to minister to the growing needs of Malabar. But, the subjection of the St. Thomas Chris-

tians to the Latin jurisdiction, and the pursuance of the policy of Latinization to extremes, never left the Church in real peace. The first and terrible consequence of this was the oath of 1653, which was, in the beginning, only a protest against the methods adopted by the missionaries, but which finally paved the way for the Jacobite schism. Nor did the section that remained faithful rest really contented until at last the farsighted Leo XIII, restored to them in 1896, their proper jurisdiction and bishops. The marvellous development of the Malabar Church ever afterwards, during the last half a century, and the return of one section of the Jacobites to the true fold, are the surest proof that a more liberal and enlightened policy would have paid abundant dividends long ago. However, here, it must be recognized, that the development evinced by the Church of Malabar in later times was due, to a considerable extent, to the stability of organization it received under the Latin rule, and the Malabar Church will be ever grateful for that.

APPENDIX

MANUSCRIPTS AND EDITIONS OF THE ACTS OF THE SYNOD OF DIAMPER

§ 1. *The original of the Acts of the Synod of Diamper*

In the very last decree of the Synod (*Acção* IX, decree 25) it was provided as follows: " ... o original deste synodo assinado pello Reverendissimo Metropolitano & por todos os mais convocados a elle, se porá no archivo do Collegio de Vaipicota da Companhia de Jesu situado neste Bispado pera que delle se dem os transuntos necessarios pera as Igrejas, & outro de mesma maneira assinado pello dito Reverendissimo Metropolitano, & pello Arçediago & mais pessoas que lhe parecer se porá no archivo da Igreja de Angamale que chamão do Arcebispado pera que em todo o tempo destes dous originaes se possam reformar todos os transuntos necessarios ... " (1). Here, in the text, both the documents (the one to be preserved in the archives of the Vaipicotta Jesuit residence, signed by everyone present in the Synod, and the other to be kept in the archives of the Church of Angamali, signed only by the Archbishop, and the Archdeacon and some others) are called *originals*. Nevertheless, it is clear that the former signed by all those who were present in the Synod was the more important of the two, and for safe keeping was to be entrusted with the Jesuit Fathers.

Both these copies were in Malayalam. For, we read further in the report of the proceedings of the Synod: " Acabda a pratica, & amoestacão feita aos Vigayros & Parrochos mandou o Reverendissimo Metropolitano que todos assinassem de sua propria mão o original dos decretos deste synodo tresladado em lingoa Malavar " (2).

The same information in the same words is given in ARSI, *Fondo Gesuitico*, n. 721, VI, 1 in the corresponding place.

Similarly in the Latin manuscript of the acts, ARSI, *Goa-Mal.* 62, in *Actio Nona*, *Decretum* XX we read: " Praecipitur

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(1) Gouvea, *Synodo Diocesano*, f. 56v.
(2) *Ibid.*, f. 58.

omnibus vicariis, ut ea transcribant quae in hac synodo continentur et in omnibus Ecclesiis libenter habeatur a Malabieri Originali fideliter transcriptus et ab admodum Reverendo Archidiacono hujus episcopatus et Padre Rectore Collegii Vaipicottensis subscriptus ... ". Again in the Malayalam manuscripts we find: " It was ordered by the Archbishop in virtue of holy obedience and under pain of excommunication that no one called to the Synod should leave without signing the Synod written in Malayalam and Gharshuni. The Synod was written in the Malayalam language and characters, known to everybody, and after the clarification of some doubts, with the unanimous consent of all, the Synod was signed " (3). From this it looks as if, the original idea was to prepare the decrees in Gharshuni (4) as well as Malayalam. But actually only the Malayalam text seems to have been prepared to be signed by all at the end of the Synod. This was to be preserved with the Jesuit Fathers. Similarly, the other document, to be preserved in the archives of the Angamali church, must also have been in Malayalam, since, besides being intended for those who did not know Portuguese, it had to correspond exactly with the former, as the two copies were prepared precisely for the sake of mutual verification.

Menezes composed the acts originally in Portuguese, and they were translated into Malayalam by some priests of the Latin rite of the diocese of Cochin, and this translation was checked by Ros (5). And only the Portuguese text was read in the Synod and that too without any comment or discussion (6). It follows, therefore, that the Malayalam copy was signed without being properly read or studied.

We do not know whether the two original Malayalam copies have been preserved. We know only that till 1603 the first copy signed by all the assembled remained in the Jesuit archives

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(3) Biblioteca Vaticana, *Fondo Vaticano Indiano*, n. 18, f. 81 ; *Fondo Borgiano Indiano*, n. 3, f. 157 ; *Fondo Borgiano Indiano*, n. 21, f. 134.

(4) The mode of writing other languages in Syriac script is known as Garshuni. Arabic, Armenian, Turkish besides Malayalam are known to have been written in this fashion. This mode of writing was developed for the sake of secrecy. Here, of course, the reference is to writing Malayalam in Syriac characters. Many such manuscripts are preserved in Malabar, for example, in St. Joseph's Monastery, Mannanam. As for as we know there is no Garshuni document in Malabar of the pre-Portuguese period.

(5) GOUVEA, *Jornada*, f. 58.

(6) See ch. IV, note 63 & 65, p. 130, 132.

at Vaipicotta. In that year Menezes, intending to get the acts approved by the Holy See, asked for the signatures, and Ros in conformity with this request, separated the signatures from the text and sent them to Menezes (7). There cannot be any doubt that by the word *firmas* (used in his letters of November 20 and December 27, 1603) (8), Ros means signatures and not the whole document. The word itself means signatures. The context besides excludes any figurative sense. How could Menezes think of sending to Rome the document itself, which was written in Malayalam, for papal approbation? This assertion is corroborated by the fact that a Portuguese manuscript, considered later to be the original and having the signatures of those who attended the Synod, was preserved in Rome (9), whereas the real original was in Malayalam. We shall have further occasion to consider also the many differences in the text to which the signatures were affixed eventually.

§ 2. *Malayalam manuscript copies and editions of the Acts*

a) *Malayalam Manuscripts copies of the Acts*

There are in the Vatican Library three copies in Malayalam of the acts of the Synod: *Fondo Vaticano Indiano*, n. 18; *Fondo Borgiano Indiano*, n. 3; *Fondo Borgiano Indiano*, n. 21.

i) *Fondo Vaticano Indiano*, n. 18 (fol. 91, 27 cm × 21 cm)

On the front page is written: "Concilium Diamperense in India orientali pro reformanda Ecclesia S. Thomae, celebratum per Alexium de Menezes, Ord. S. Augustini Archiepiscopi Goensis, Anno 1599, Idiomate ac Caractere Malabarico Samascradam exaratum". Then in a different hand: "Cuius in lusitanam linguam translatio exstat in Urbe apud Bibliothecam Angelicam Ordinis S. Augustini. Bibliotheca PP. Discalceatorum S. Pancratii de Urbe ex dono P. Geminiani a S. Octavio, Provincia Longobardiae, Missionarii Apostolici in Indiis Orientalibus apud Malabarres, 1742". We find attached to the cover a letter by Fr. Stephen of SS. Peter and Paul, Disc. Carm., who asks per-

(7) *Ibid.*
(8) *Ibid.*
(9) See below § 3, a, iv, p. 200-2.

mission of Pope Benedict XIV to take the manuscript with him to Venice, his province, as his term of office in Rome is over; and he has begun translating it into Italian; a bull of Innocent XII's having proscribed under pain of excommunication, shifting of books from the library of San Pancrazio. It is dated May 22, 1743. To this volume we find the following reference in A. MAI, *Scriptorum Veterum Nova Collectio a Vaticanis Codicibus edita*, t. V, par. II, Rome, 1831, p. 112: " Codices Indici n. XVIII Concilium Diamparense in India Orientali ob reformandam S. Thomae Ecclesiam Celebratum ab Alexio Menezio, Ord. S. Augustini Archiepiscopo Goensi, anno, 1599, cujus latina interpretatio exstat in Bibliotheca Angelica, Ord. S. Augustini, Romae. Pertinuit noster codex ad Urbanum coenobium S. Pancratii ". Mai has evidently taken the information from the front page of the manuscript itself, but somehow has mistakenly rendered *lusitanam linguam translatio* into *latina interpretatio*.

Of the 91 folios, the last four are blank. The writing is very legible. Decrees and sessions are well differentiated. Someone has scribbled on the margin the divisions as found in the Portuguese text, thinking that the Malayalam côrresponds to it. But the division of the decrees and sessions in the Malayalam manuscript, as we shall presently see, do not agree with those of the Portuguese. This book seems to have been written at about the beginning of the eighteenth century.

ii) *Fondo Borgiano Indiano*, n. 3 (f. 292, 21 cm × 16 cm)

We find at the beginning the following note in the hand and with the signature, of S. Borgia, Secretary of the S. Congregation of the Propagation of Faith: " Si noti che il concilio Diamperitano trascritto in questo codice fu preso da un originale di detto concilio che si conserva nella chiesa SS. Gervasio e Protasio della città di Parù nel Malabar, distante tre miglia da Cranganor, nella qual città risiedevano i Re di Parù prima che fossero debellati dal Re di Travancor ". Above this note is written: " Sc. 6, Fila 6, Vol. 6, 1772 ", which may be its original collocation in the Borgia collection with the date of its acquisition. The book contains besides the acts of the Synod of Diamper a method for reciting the rosary, a small catechism, and a life of S. Andrew the Apostle. Of the 292 folios, only the first 169 deal with the Synod. There are also two folios at the very end of the codex containing some Syriac prayers of the Divine Office. The writing is not very neat and the division of decrees and sessions is not conspicuous. The date of writing

cannot be much earlier than the date found at the beginning. In the margin of the first page we find in another hand (that of Paulinus himself?): "Vide Examen Indic. Cod-Bibliot. De Prop. Fide a P. Paulino, pag. 69, n. XXI". In PAULINUS, *Examen Historico-Criticum Codicum Indicorum Bibliothecae S. C. De Propaganda Fide*, Rome, 1792, p. 69 we find: "num. XXI. Codex manuscriptus anno 1772 bibliothecae illatus, *Primo* continent acta Synodi Odiamperitanae vulgari lingua Malabarica. *Secundo*, instructionem ad recitandam coronam B. M. V. *Tertio*, brevem catechismum. *Quarto*, vitam S. Andreae apostoli. Exemplar hoc synodi transumptum fuit ex codice originali ecclesiae SS. Gervasii et Protasii in oppido Parur in Malabaria".

iii) *Fondo Borgiano Indiano*, n. 21 (f. 143, 21 cm × 15 cm) No notice about its origin is given in the manuscript. The writing is very legible and the divisions are given conspicuously. Perhaps the reference in PAULINUS, *Examen Historico-Criticum* ..., p. 71: "n. XXVII Synodus Odiamperitana Malabarice Codex Cartaceus manuscriptus", might be of this codex. It might be noted that in *Fondo Borgiano*, n. 3 we find here and there corrections in hand very similar to, if not identical with, that of the scribe of *Fondo Borgiano*, n. 21. From a comparison of the handwriting with other known sources, one might be led to suspect Paulinus himself to be the scribe of *Borgiano Indiano*, n. 21.

iv) All the codices have remarkable conformity among themselves. *Borgiano Indiano*, n. 3 and 21 have reproduced errors, repetitions and omissions in the same way, and we have to conclude that both were copied from the same text. Since we know that *Borgiano Indiano*, n. 3, was transcribed from a manuscript preserved at Parur, we can infer that the other also must have been taken from the same or an identical source. Hence we can also conclude that the copy at Parur too had those errors, omissions and repetitions and that it cannot be an original, as claimed in Borgia's note. *Vaticano Indiano*, n. 18 has not got many of these repetitions or omissions. It is taken from a more carefully written text. But even this copy has some repetitions and errors in common with the other two. This factor points to a remote defective common source for all the three manuscripts.

v) On comparing the Malayalam manuscript with the Portuguese text of Gouvea, we find, (a) that many canons are

missing in the Malayalam; (b) that two or three canons have been omitted in the Portuguese; (c) that the order of the canons is considerably different from what it is in the Portuguese text, and the divisions into sessions etc., do not fully correspond: (d) that the Malayalam is considerably shorter and the wording less offensive and that it hardly at any time ascribes heresy proper to the St. Thomas Christians. But in describing errors and other particulars, with a few exceptions, there is general conformity between the canons of the Malayalam and those of the Portuguese when they are present in both; (e) that the Portuguese document with its additions and amplifications might be nearly twice as long as the Malayalam; (f) that in the Malayalam, it is often said 'the Synod requests' instead of the Portuguese 'the Synod commands'.

VI) We shall give below a general outline of the Malayalam manuscripts ([10]) together with indications of their concordance to the Portuguese text of Gouvea. Equal marks mean only conformity with regard to the main idea and not identity.

The heading in the Malayalam manuscripts reads: "As commissioned by the Holy Father, Bishop Mar Alexis convoked a synod of the priests and laymen at the Martha Mariam's church at Udayamperur. For the good and welfare of the Mar Thomas Nazranis ([11]) Bishop Mar Alexis convoked the synod which was named after Angamali. This synod of the priests and laymen of the very ancient Malankara diocese was convoked by Bishop Mar Alexis, head of all the bishops to the east of the Kingdom of Portugal, as decreed by Mar Clemis, the Pope reigning over the Church of God" ([12]).

There is no convocatory letter in any of the Malayalam copies. The division into sessions is confusing, but all the manuscripts give them in the same fashion.

The following are the major divisions as they appear in the Malayalam documents:

([10]) We shall be leaving out rather insignificant variations.

([11]) The St. Thomas Christians are even now called *Nazranis* or *Mar Thoma Nazranis*.

([12]) *Vat. Ind.*, n. 18, f. 1, *Borg. Ind.*, n. 3, f. 1 and *Borg. Ind.*, n. 21, f. 2. But *Borg. Ind.*, n. 3 and 21 both give erroneously: "Bishop Mar Alexis called Angamali convoked the Synod for the good and welfare of the Mar Thoma Nazranis". *Vat. Ind.*, n. 18, has not got: "This Synod .. reigning over the Church of God".

1.	Sitting I	— Consultation I	[13]
2.		— Consultation II	[14]
3.	Sitting II	— Consultation II	[15]
4.		— Consultation III	[16]
5.	Sitting IV[17]	—	
6.	Sitting V	— Consultation V	[18]
7.	Sitting VII	— Consultation VII	[19]
8.	Sitting VII	— Consultation VII	[20]

It seems that the titles Sitting and Consultation signify identical divisions, the second term *Consultation* (in Malayalam *Yōgavichāram*) being added only to clarify the first one *Sitting* (written in Malayalam characters *Mautba*, which is really a Syriac word (ܡܘܬܒܐ).

The division after Sitting V — Consultation V, given as Sitting VII — Consultation VII, is certainly an error for Sitting VI — Consultation VI.

Now let us compare the Malayalam codices with the Portuguese text of Gouvea.

Acção I of the Portuguese is found as Sitting I — Consultation I. As in the Portuguese, there are, though in an abridged form, an introduction and 5 decrees in the Malayalam also. Decrees are called canons (canona ܩܢܘܢܐ) in Malayalam.

Acção II of the Portuguese text one finds as the Consultation II in the Malayalam. But of the three decrees in the Portuguese, the first appears as an introductory remark and the second and the third as first canon. The Malayalam text is

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([13]) *Vat. Ind.*, n. 18, f. 1 ; *Borg. Ind.*, n. 3, f. 1v.

([14]) *Vat. Ind.*, n. 18, f. 3v ; *Borg. Ind.*, n. 3, f. 6 ; *Borg. Ind.*, n. 21, f. 6v.

([15]) *Vat. Ind.*, n. 18, f. 7. Someone has corrected here II to read III. This correction is certainly of a later date ; *Borg. Ind.*, n. 3, f. 14v ; *Borg. Ind.*, n. 21, f. 13v.

([16]) *Vat. Ind.*, n. 18, f. 22 ; *Borg. Ind.*, n. 3, f. 43v ; *Borg. Ind.*, n. 21, f. 39.

([17]) *Vat. Ind.*, n. 18, f. 31v ; *Borg. Ind.*, n. 3, f. 63v ; *Borg. Ind.*, n. 21, f. 58.

([18]) *Vat. Ind.*, n. 18, f. 42v ; *Borg. Ind.*, n. 3, f. 85 ; *Borg. Ind.*, n. 21, f. 76v.

([19]) *Vat. Ind.*, n. 18, f. 57 ; *Borg. Ind.*, n. 3, f. 109 ; *Borg. Ind.*, n. 21, f. 95a (i. e. a folio not numbered between f. 95 and 96).

([20]) *Vat. Ind.*, n. 18, f. 73 ; *Borg. Ind.*, n. 3, f. 139v ; *Borg. Ind.*, n. 21, f. 120v.

brief — we shall not repeat this any more ; this is true of almost all the decrees — and the order of the narrative is slightly different. Here, in Can. 1, we find the following passage in the Malayalam manuscripts : " In the year of our Lord 1599, in the seventh year of the Pontificate of Pope Clement, the head of all Nazaranis, in the Kingdom of Malankara, at Udyamperur, in the Church of Martha Mariam, on the 21st of June, in the Synod of this diocese, conducted by Bishop Mar Alexis, by the Pope's command head of all the bishops to the east of Portugal ... " (21). The corresponding passage is found at the beginning of the second decree in the Portuguese.

Acção III of the Portuguese, is given as Sitting II — Consultation II in Malayalam. This acção is divided into decrees and the first of these decrees is again subdivided into thirteen chapters. The twelfth chapter of the first decree in the Portuguese is missing in the Malayalam. The chapters are called *Saha* in Malayalam which is in reality a Syriac word (ܫܗܳܐ) meaning chapter. There are only 20 decrees or canons in all in Malayalam for the 23 in the Portuguese ; the 10th, 17th and 19th are additional in the Portuguese. Till the 5th decree inclusively, these divisions are called *Kalpana* which means decree in the Malayalam (22). But from the 6th onwards, the divisions are called *Canona* ; in one manuscript this change over to canons begins with the 7th (23). The correspondence of the Portuguese and Malayalam is as follows. The first figure indicates the numbering in the Malayalam text and the second that of the Portuguese. We give here first the correspondence of the chapters of the first decree : Introd = Introd. ; 1 = 1 ; 2 = 2 ; 3 = 3 ; 4 = 4 ; 5 = 5 ; 6 = 6 ; 7 = 7 ; 8 = 8 ; 9 = 9 ; 10 = 10 ; 11 = 11 ; 12 = 13 ; 13 = 14. Correspondence for the other decrees is as follows : 2 = 2 ; 3 = 3 ; 4 = 4 ; 5 = 5 ; 6 = 6 ; 7 = 7 ; 8 = 8 ; 9 = 9 ; 10 = 11 ; 11 = 12 ; 12 = 13 ; 13 = 14 ; 14 = 15 ; 15 = 16 ; 16 = 18 ; 17 = 20 ; 18 = 21 ; 19 = 22 ; 20 = 23.

Acção IV in the Portuguese is Consultation III in the Malayalam manuscript. But Consultation II in Malayalam extends till the doctrine about the Holy Sacrifice of the Mass and thus comes down halfway through *Acção* V of the Portuguese text. In *Acção* IV we find seven decrees namely 1, 2, 3, 4, 10, 12, and 17 which are not present in the Malayalam ; even for the re-

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(21) *Vat. Ind.*, n. 18, f. 4v ; *Borg. Ind.*, n. 3, f. 8 ; *Borg. Ind.*, n. 21, f. 8.
(22) Thus in *Borg. Ind.*, n. 3, f. 29 and *Borg. Ind.*, n. 21 f. 25.
(23) Thus in *Vat. Ind.*, n. 18, f. 18.

maining decrees the order has been completely changed : Introd. = Introd. ; 1 = 5 ; 2 = 6 ; 3 = 14 ; 4 = 15 ; 5 = 13 ; 6 = 11 ; 7 = 7 ; 8 = 8 ; 9 = 16 ; 10 = 9 ; 11 = 18 ; 12 = 19 ; 13 = 20. The three decrees on the Sacrament of Confirmation are found in the same order both in the Malayalam and Portuguese texts.

Acção V of the Portuguese text is made up of the latter part of Consultation II and the earlier part of Sitting IV. Sitting IV in Malayalam treats of Confession and Extreme Unction which make up *Acção* VI of the Portuguese. For the nine decrees on the Eucharist, there are only eight canons in the Malayalam, the third canon in the Malayalam being equivalent to decrees 3 & 4 of the Portuguese. The correspondence is as follows : Introd. = Introd. ; 1 = 1 ; 2 = 2 ; 3 = 3 & 4 ; 4 = 5 ; 6 = 8 ; 7 = 7 ; 8 = 9. Sitting IV in the Malayalam text does not contain any remark whatsoever about the 1200 years of separation of the Malabar Church from the See of Rome ; nor does it attribute heresy to her. The first canon is very brief when compared to the lengthy first decree of the Portuguese. As we have kept this decree as a point of comparison for all the various versions, we give here the translation of the whole canon. The passages from the text of the Syriac Mass are put down below in Syriac itself, although in the manuscripts they are written in Malayalam characters imitating the Syriac sounds. Only one of the paragraphs is numbered in the manuscripts and we have reproduced that unaltered. The text reads : " As the actions and rites of the Holy Mass are things of very great importance, the bishops cannot copy or modify them as they wish. Because some of the actions, rites and prayers of the ancient Syriac Mass are portions indispensable threrof and because some have without care left out or added some things the Holy Synod enjoins the following :

1. The consecrating priest does not consecrate by his own words ; but by the words revealed by God. Therefore, no other words, even though good in themselves, should be joined to the revealed words. Therefore with regard to the words used in Syriac for the consecration of the chalice ܗܕܐ ܗܘ ܦܓܪܝ although they are not given either in the Gospels or in other revealed books as words said by Christ, nevertheless, that there might be conformity with the ancient practice — as it is also in agreement with faith and reason — the Synod prescribes that these words should be said only after the genuflection following the lifting of the chalice and its being on the altar. With regard to the consecration of the chalice, all the words revealed by the Apostle are not in the Gospel ; namely ܟܣ ܕܕܡܝ ܒܗ ܕܐܦ ܗܟܢܐ .

As these are wanting in Syriac, these should be henceforth added in the consecrating words.

As those who copied from Latin into Syriac all the words of the consecration beginning with the words of Christ did not copy them properly, the Synod decided that they should be properly copied.

In the prayer ܥܕܬܐ ܕܒܓܕܕ instead of commemorating twice or thrice the Patriarch of Baghdad, the Pope should be commemorated.

Lady Mary (ܡܪܝܡ ܐܡܗ ܕܐܠܗܐ) should be called Mother of God wherever she is called Mother of Christ.

The names of Theodore, Diodore and Abraham, persons defective in faith, should be removed and names of saints referred to above should be mentioned instead.

Erroneous expressions should be removed from ܡܕܝܢܚ ܡܕܡ and missing words inserted as said above.

In ܪܚܡ following ܡܕܝܢܚ ܡܕܡ the prayer on behalf of the apostles and saints to raise them from the dead should not be recited. The saints in heaven do not need our prayers ; it is we that need their prayers. So praying for them is equivalent to despising them.

In some missals there are masses of Nestorius and Theodore. These should be destroyed and nobody should say these masses under pain of excommunication " (24). Here ends this passage.

Can. 8 in Malayalam has nothing corresponding to it in *Acção* V ; but this canon is a partial repetition of Can. 4 of Sitting VI — Consultation VI, which has its parallel in decree 4 of *Acção* VIII in Portuguese. Of the remaining decrees, 7, 8, 9, 10, 11, and 14, are additional in Portuguese. The correspondence is as follows : 1 = 1 & 2 ; 2 = 4 ; 3 = 3 ; 4 = 5 ; 5 = 6 ; 6 = 12 ; 7 = 13 ; 9 = 15.

Acção VI in Portuguese treats of Penance and Extreme Unction and we find it as part of Sitting IV in Malayalam. Of the decrees on Penance, 7 and 14 have been added in the Portuguese. The correspondence is as follows : Introd. = Introd. ; 1 = 1 ; 2 = 2 ; 3 = 3 ; 4 = 4 ; 5 = 5 ; 6 = 6 ; 7 = 8 ; 8 = 9 ; 9 = 10 ; 10 = 11 ; 11 = 12 ; 12 = 13 ; 13 = 15. The introductory explanation and the three decrees on Extreme Unction are found in the same order in both the texts.

Acção VII of the Portuguese which treats of Holy Orders

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(24) *Vat. Ind.*, n. 18, f. 32 ; *Borg. Ind.*, n. 3, f. 65, *Borg. Ind.*, n. 21, f. 59v.

and Matrimony is found in Malayalam as Sitting V — Consultation V. On Holy Orders decrees 6, 7, 9, 11, 14, 15, 18, and 19 are additional in the Portuguese. Can. 16 of Malayalam in the present Sitting finds its place as decree 14 in *Acção* IX in the Portuguese. Can. 8 of Malayalam in this Sitting provides that priests who drink to intoxication are *ipso facto* suspended *a divinis*. We could find nothing similar anywhere in the Portuguese text. (Compare decree 11 of *Acção* VII). Perhaps those who compiled the Portuguese text with the intention of sending it to Europe, did not favour its inclusion in the text ! For the rest the sequence is as follows : Introd. = Introd. ; 1 = 1 ; 2 = 2 ; 3 = 3 ; 4 = 4 ; 5 = 5 ; 6 = 8 ; 7 = 10 ; 9 = 12 ; 10 = 13 ; 11 = = 16 ; 12 = 17 ; 13 = 20 ; 14 = 21 ; 15 = 22 ; 17 = 23.

Introduction and the 16 decrees on Matrimony are found in both the texts in the same order.

Acção VIII on the Reformation of church matters is found as Sitting VII — Consultation VII in Malayalam. This is evidently a mistake for Sitting VI — Consultation VI. The heading in Malayalam is : " Things to be done by laymen (*Nazranis*) in the church ". In all, 7 decrees, namely, 5, 13, 23, 24, 28, 33, and 36, are additional in the Portuguese. Dec. 11 and 12 of the Portuguese are found in Sitting VII — Consultation VII in Malayalam, as Can. 11 and 12. For the rest, the concordance is as follows : 1 = 1 ; 2 = 2 ; 3 = 3 ; 4 = 4 ; 5 = 6 ; 6 = 7 ; 7 = 8 ; 8 = 9 ; 9 = 10 ; 11 = 14 ; 12 = 15 ; 16 = 16 ; 10 = 17 ; 13 = = 18 ; 14 = 19 ; 15 = 10 ; 17 = 21 ; 18 = 22 ; 19 = 25 ; 20 = 26; 22 & 23 = 27 ; 21 = 29 ; 24 = 30 ; 25 = 31 ; 26 = 32 ; 27 = 34 ; 29 = 35 ; 30 = 37 ; 28 = 38 ; 31 = 39 ; 32 = 40 ; 33 = 41.

Acção IX of the Portuguese is found as Sitting VII — Consultation VII in Malayalam. Although the number of additional decrees is not so conspicous, comparatively more changes have been made here in the Portuguese text. The decrees missing in Malayalam are 4, 8, 15, 21, and 22. Dec. 14 of the Portuguese is found as Can. 16 in Sitting V — Consultation V, as said elsewhere. Can. 11, and 12 in Sitting VII — Consultation VII of the Malayalam text are, as we noted earlier, found as Dec. 11 and 12 in *Acção* VIII in the Portuguese. For the rest, the concordance is as follows : 1 = 1 ; 2 = 2 ; 3 = 3 ; 4 = 5 ; 5 = 6 ; 6 = 7 ; 7 = 9 & 10 ; 8 = 11 ; 10 = 12 ; 13 = 16 ; 14 = 17 ; 16 = = 18 ; 17 = 19 ; 15 = 20 ; 9 = 23 ; 18 = 24 ; 19 = 25.

We shall give below a translation of the very last canon (canon 19 of Sitting VII — Consultation VII) and of some important passages from the narration that follows. The portions

enclosed in inverted commas are exact translations. We have numbered these passages for the sake of comparing them with the text of Gouvea. The numbering followed here is the same as the one given in the concordance chart. (See § 12).

« Canon 19 : Whereas in the Holy Synod matters pertaining to the Catholic faith, administration of sacraments and customs of the Church have been discussed, the Synod commands that all vicars should copy out what has been written in the Synod and that they should read it in their churches. All should copy correctly from the original and each book should be read together with the others. And portions thereof should be read to the people on Sundays when there are no homilies (*porul padārtha*). So the Synod requests and commands all vicars, priests and laymen to observe what has been written in the Synod and cause it to be observed. The Synod is confident that they will do so in the name of the true God, Father and the Son and the Holy Ghost, who liveth and reigneth for ever. Amen"([25]).

(1) " After all had read in council what had been written in the Synod " the names of new vicars were read out, the diocese was divided into 72 parishes and the vicars were given letters-patent.

(2) " It was enjoined by the Archbishop that in virtue of obedience and under pain of excommunication nobody called for the Synod should leave without putting his signature in the Synod written in Malayalam and Garshuni. The Synod was written in the Malayalam language and characters which could be read and understood by all. The Archbishop announced that if there were doubts to be cleared up, those who did not have light [in the matter] should humbly propose them. After the clarification of some doubts the Synod was signed with the consent of all ".

(3) [a] Then we have the narration of the singing of prayers and of the procession that followed. [b] The Malayalam account speaks of the impending rain and how Menezes' faith overcame this difficulty ([27]).

(4) Next, Menezes' discourse to the priests is recorded where he repeats briefly many of the decisions taken in the Synod.

([25]) *Vat. Ind.*, n. 18, f. 80v ; *Borg. Ind.*, n. 3, f. 155v ; *Borg. Ind.*, n. 21, f. 133.

([26]) *Vat. Ind.*, n. 18, e. 81 ; *Borg. Ind.*, n. 3, f. 156v ; *Borg. Ind.*, n. 21, f. 134.

([27]) The information concerning the rain etc., is not given in *Synodo Diocesano* ; but in *Jornada*, f. 71 the incident is described in detail.

(5) [a] " After having spoken thus to the vicars and the other priests, the Archbishop after removing the mitre, stood up and facing eastwards, recited from the book of *Raza* the prayer ' Hear us, O Lord, etc. , [b] and solemnly blessed the people. [c] Then the Archdeacon said, ' Let us depart in peace ' [d] and the people replied, ' In the name of Christ '. [e] The Synod came to a close on the 26th of June, in the year 1599, after the birth of Christ.

(6) Those who attended the Synod were 813 in number. Not including the clerics of the fourth, fifth and sixth Orders, there were 163 priests. Besides, there were many people from outside ; almost all of the people from Udyamperur came and many Portuguese priests and laymen " ([28]).

(7) Next there is an account of the things given to the new parish priests.

(8) It is said then : " All disputes were settled and all departed in peace ".

(9) A general description follows of a typical visit of Menezes' to the churches, conducted after the Synod. To connect with the narration that follows, we give here a translation of only the last sentences in this passage : " The priests should know for themselves and announce to their parishnors on which all days fasting, and on which all days feasts, are to be observed, so that all the parishes of Malankara may, without any default, remain uniform. If the priests conduct themselves according to their priestly status and obligations and the laity consequently live well, all will get God's eternal reward in heaven ".

(10) [a] " Next the Bishop after removing his mitre and turning to the east and reciting the prayers from the missal [b] blessed the people. [c] Then the Archdeacon said, ' Let us go in peace '. The Synod replied, ' In the name of Christ '. [d] The Synod came to a close on Friday, 25th of June in the year 1599 after the birth of Christ " ([29]). Thus ends the narration.

(vi) What about the value of the Malayalam manuscripts ? We have at present no sure means to decide whether the Malayalam text represents the copy signed in the Diamper Synod. But there cannot be any serious doubt that the

([28]) *Vat. Ind.*, n. 18, f. 85v ; *Borg. Ind.*, n. 3, f. 166 ; *Borg. Ind.*, n. 21, f. 141v. In *Borg. Ind.*, n. 3, the number of the people present is given as 814. Someone has drawn a line over that figure.

([29]) *Vat. Ind.*, n. 18, f. 86v ; *Borg. Ind.*, n. 3, f. 168v ; *Borg. Ind.*, n. 21, f. 143.

Malayalam text is more representative of the actual document signed in the Synod than any other known. We are led to this conclusion by the fact that, otherwise, it would be impossible to explain the marked differences of the Malayalam text from the Portuguese. The Malayalam version is certainly not a text falsified by the local Christians. It is too ignominious towards them for that to have happened. Nor was there any chance of their doing so. From the Synod of Diamper till very recent times the Church was governed by Latin bishops and they knew Malayalam well. All doubts about its genuineness vanish when we remember that it was a text held as authentic by the Carmelite missionaries, as we have had to show in connection with the history of the codices.

If the Malayalam text had not been prepared at the Diamper Synod in 1599, but at a later date, it would have certainly been written on the pattern of the widely-known printed text of Gouvea which was held in esteem by those who then had jurisdiction over the Malabar Church. The Malayalam text, however, is, as we have shown above, so different from Gouvea's, as to rule out all dependence on it. Anybody who studies the text can easily realize that Gouvea's is an improvement on the Malayalam and that the Malayalam cannot be its abridgement. Here we have to take into account not only the many omissions in the Malayalam text, but particularly the different arrangement and distribution of the subject matter and the displacement of many canons. We should also specially keep in mind all that the Jesuit writers have said about the changes and additions introduced later on in the original text by Menezes. Their revelations fit in very well, if we suppose the Malayalam text to be the original one. Besides, on comparing the Malayalam text originating in far away Malabar with Laerzio's Portuguese text and with the Latin translation preserved in ARSI, *Goa-Mal.* 62, both of which were already in Rome long before the appearance of Gouvea's edition of the acts, we find that the canons missing in Laerzios' Portuguese copy and the Latin version, are missing also in the Malayalam. This leads us to infer that the Malayalam text is of an earlier date than Gouvea's. If we can conclude that the Malayalam text is earlier than Gouvea's edition, we can go a step further and say that the Malayalam text could not have originated at any time between Menezes' tampering with the decrees of the Synod, which took place not very long after the Synod itself, and Gouvea's printing of the acts. For, it is impossible to conceive of the intro-

duction of such a new text at a time so close to the events, and so different both from the original signed in the Synod and from the text touched up by Menezes. We must remember that at this time the Malabar Church was already under Latin jurisdiction.

Here another question can be raised. We have said that another synod (Ros's synod) was conducted in the Advent of 1603, at which many of the harsh legislations of the Diamper Synod were dropped. Can it not be that the Malayalam text represents Ros's Synod ? Although it is true that in the introduction of the Malayalam text the Synod is named after Angamali (where Ros's Synod of 1603 was conducted, while that of 1599 took place at Diamper), nevertheless, even the introduction in the Malayalam manuscripts clearly says that the synod in question is the one conducted at Udyamperur in Martha Mariam's Church ([30]) by Alexis Menezes at the command of Pope Cle-

([30]) The Church at Udayamperur (Diamper) where the Synod was conducted is called Martha Mariam (مذمم الحذا) Church in the Malayalam documents wherever the name occurs. See *Vat. Ind.*, n. 18, f. 1 & 4v ; *Borg. Ind.*, n. 3, f. 1 & 8 ; *Borg. Ind.*, n. 21, f. 1 & 8. But in all the other documents the church is said to be named after *All Saints*. See *Synodo Diocesano*, title page and f. 4v and corresponding places in the other manuscripts. We must note here that during the Synod, *Acção* IX, decree 25, it was settled that the many churches in Malabar dedicated to Mar Xabro (Sabhor) and Mar Prodh should be all rededicated to All Saints. Besides, in *Jornada*, f. 75v, it is said that the church at Udayamperur was dedicated to Mar Xabro (Sabhor) and Prodh, who were popularly called *Quadijakal*, (قدیقل) and that Menezes changed the name to All Saints. This information, however, is given with the narration of Menezes' official visist to Diamper after the Synod.

At present there are two churches at Udayamperur, the *Pazhaya Palli* (old church) where the Synod was conducted and the *Puthan Palli* (New Church) of rather recent origin. The church where the Synod was conducted has not undergone major alterations since. The local tradition says that the church is a very ancient one and that during the time of Mar Sabhor and Prodh (supposed to be of the IX or X century), it was rebuilt by them. After their death, owing to their reputation for sanctity their names also came to be associated with the church. See BERNARD, *St. Thomas Christians*, (Malayalam) Vol. II, Mannanam, 1921, p. 51. It seems, therefore, very likely that there was another name and dedication of the church, more ancient than that of Mar Sabhor and Prodh. Actually even now, it is the statue of O. Lady that is kept in the central niche over the main altar flanked by two other statues, now supposed to be those of SS. Gervasis and Protasis. Over and above these there is a small niche for the statue of St. John the Baptist. Besides, on the granite cross in

ment (31). Elsewhere the same thing is repeated still more clearly with the correct date (32). One cannot identify the Diamper Synod more precisely. Besides the acts indicate the continued presence of the Archbishop of Goa throughout the Synod. The phrase, " the Synod was named after Angamali ", would naturally mean only a synod of the diocese of Angamali as the Synod conducted at Diamper was considered a diocesan synod. The Synod of Diamper was known also as the Synod of Angamali (33).

Thus we are led to conclude that the Malayalam text more closely reproduces the original signed at the Synod, than any other known. Is it identical with the original ? There are signs to show that the text has been touched up. This is evident from the description of a typical visit of Menezes conducted after the Synod and found in the Malayalam manuscripts as well. Naturally no such description could have found place in the original. This addition has probably caused the clumpsy repetition of the final clause (see Appendix § 12) with the two different dates for the dissolution of the Synod. In this connection it may be remarked that we can safely take the date June 25 as the more genuine of the two and that for the following reasons. First, when the date June 25 is given, it is further specified that the Synod ended on a Friday, which detail is wanting

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the church yard towards the east there is an old carved effigy of O. Lady with the infant Jesus in her hands. The granite cross is in all probability of pre-Portuguese origin. As for the statues, it must be remembered that before the advent of the Portuguese, there were no statues in the St. Thomas Christian churches. We cannot tell definitely whether the niches over the main altar, much less whether the statues they contain, are pre-Diamperitan. Nevertheless with the confirmatory evidence of the Malayalam manuscripts we can safely conclude that during the time of the Synod, the church was more popularly known as that of Martha Mariam. This might also very likely be its ancient dedication. The change in the (secondary) dedication from Sabhor and Prodh to All Saints, as decided in the Synod and enforced by Menezes, did not become very popular. In the recent calendars (till 1951) of the Archdiocese of Ernakulam the name of the church is given as All Saints. From then onwards we find the name of SS. Gervasis and Protasis. It is difficult to explain these changes. The presence of the two statues might have made the change from Sabhor and Prodh to Gervasis and Protasis — there is even some similarity in the names — easier to adopt than the change to All Saints.

(31) *Vat. Ind.*, n. 18, f. 1 ; *Borg. Ind.*, n. 3, f. 1 ; *Borg. Ind.*, n. 21, f. 1.

(32) *Vat. Ind.*, n. 18, f. 4v ; *Brog. Ind.*, n. 3, f. 8 ; *Borg. Ind.*, n. 21, f. 8.

(33) See ARSI, *Goa-Mal.* 62 front page title.

in the other place. We know that the Synod started on a Sunday, on June 20, 1599. So the following Friday was June 25, 1599. We are therefore inclined to consider this more particularised narration as the more genuine of the two. Another reason for preferring the date June 25, 1599, is that the other date June 26, appears in a portion of the text which seems to have been introduced later on. The repetition of the date seems to be due to the insertion of a description of later events in the original text (See the concordance chart in § 12). It is in this context that the other date, namely June 26, 1599 finds its place earlier in the text. Now this description together with the date June 26 appears in the Portuguese text in the same place without being repeated at the end. So, we think one can safely conclude that the date June 26, 1599 got into the Malayalam text through the influence of some touched up Portuguese version. Finally, Laerzio's text gives the closing date as June 25. (See ARSI, *Fondo Gesuitico*, n. 721, VI, 1, f. 339v.) We cannot with any definiteness say whether the decrees themselves of the Synod have been touched up. As there are no indication to the contrary, we are inclined to think that no great change has been introduced in the decrees.

We have to note that even the Malayalam manuscripts do not tell the whole truth about the Synod. Those who composed them have not scrupled to hide some of the serious defects of the Synod exposed in the letters of Ros and the two other Jesuit Fathers, Albert Laerzio and John Campori. For example, in the Malayalam we read that the decrees were proposed for discussion and the signing was done with the unanimous consent of all while the real fact was that the acts were read in Portuguese without any comment and the signing was done rather under pressure ([34]).

We have shown elsewhere that additions and changes were introduced by Menezes before he left Malabar. The text of Gouvea with which we have compared the Malayalam is the result of additions being introduced twice over. If we want to know what were the changes introduced by Menezes immediately after the Synod, it will be sufficient to compare the Malayalam text with the Portuguese copy carried by Albert Laerzio. We do not, however, intend to institute such a comparison here, as the text of Gouvea has only very few additions in comparison

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([34]) See ch. IV, note 65, p. 132.

with the copy taken by Albert Laerzio and we shall presently point out which these later accretions are.

(b) *Malayalam editions of the Acts*

Curiously enough the acts of the Synod published in Europe and elsewhere in so many languages were never printed in Malayalam for the use of the people for whom the Synod was conducted.

§ 3. *Portuguese manuscript copies and editions of the Acts*

(a) *Portuguese manuscript copies of the Acts*

There are five Portuguese manuscript copies of the acts of the Synod of Diamper about which we know some details, although only one of them has been preserved for us. We shall deal with them singly.

(i) We do not know what happened to the manuscript which was prepared by Menezes himself before the Synod and was actually read during the sessions.

(ii) The only Portuguese text of the acts of the Synod that we were able to find, is the copy carried by Albert Laerzio from India at the end of 1599, and now preserved in the Jesuit archives in Rome *Fondo Gesuitico*, n. 721 VI, 1. On the last page is written : " Ao Pe. Alberto Laerzio Porcurador da India Oriental da Companhia de Jesu ", and in a different hand : " Synodo d'Angamale Portado dal P. Laertio Alberto, Procuratore del'India Orientale ". The first note was written when the copy was sent to Albert Laerzio while in India, and the second was added when it was brought to Rome. Although there is no date on the Manuscript, we can be sure that it was copied towards the end of 1599, before Laerzio's departure for Rome and brought by him to the Eternal City in 1600, as we have shown elsewhere ([35]). The copy contains Menezes' interpolations after the Synod ([36]). It is written on Portuguese foolscap-size paper, but was originally part of a bigger codex, since the first folio now begins with the no. 284 and the text continues till 339v.

We can also be more or less certain that the text was copied in Malabar and given to Laerzio when he was leaving

([35]) See ch. IV, note 27, p. 118.
([36]) See ch. IV, note 79, p. 141.

Malabar. We arrived at this conclusion in the following way. If Laerzio carried a copy of the acts of the Synod of Diamper to Rome, as we know he did, it must have originated either from Malabar or Goa. Further we know on the one hand that a copy of the text was actually made in Malabar to be presented to the Pope together with a letter of the Archdeacon's, some time before Laerzio's departure for Rome. This is attested in the Archdeacon's letter to the Pope, dated November 25, 1599, which says that the text of the acts of the Synod is being sent along with the letter, for the Pope's approbation ([37]). So it would be most natural for Laerzio who was going to Rome as the Procurator for India to have taken along with him the letter of the Archdeacon and the acts of the Synod of Diamper, since the Synod was largely the work of the Jesuit Fathers of Vaipicotta. On the other hand, we have indications to conclude that Laerzio was not given a copy of the text of the acts of the Synod of Diamper while he was at Goa. Menezes' letter to Fabio Biondi taken by Laerzio to Rome while saying that Laerzio is bringing for him a coconut shell inlaid with silver ([38]), has only the following comment about the text of the acts, which Menezes intended to send to Rome: " e por isto os ajuntei em Synodo que com elles celebrey a qual me pareceo necessario mandar a Sua Sanctidade e tenho dado ordem como se mande a V. S. por via dos padres da companhia " ([39]). This passage leads us to suppose that the acts of the Synod were perhaps not yet ready and that they were to be forwarded later. Otherwise it would have been most natural for Menezes to name Laerzio as the bearer, as he did in connection with the coconut shell; or at least Menezes would have specified that the acts were being sent together with his letter to Fabio, just as he has done with regard to his other letters to the Holy Father ([40]). Another indication that Laerzio did not take a copy of the acts from Goa, is that Laerzio, on his return from Rome did not tell Menezes whether the acts were actually presented to the Holy Father or not ([41]). Now if the acts were entrusted to Laerzio precisely with the intention of being presented to the Holy Father, it would have been practically impossible for him to have

([37]) See ch. IV, note 29, p. 119.
([38]) See ch. IV, note 32, p. 120.
([39]) See ch. IV, note 33, p. 120.
([40]) *Ibid.*
([41]) See ch. IV, note 92, 93 & 94, p. 145.

been silent about this. These are, we think, sufficient indications, when put together, to conclude that ARSI, *Fondo Gesuitico*, n. 721 VI, 1 was the copy made in Malabar and entrusted to Laerzio before leaving for Rome.

On comparing the text with the one published by Gouvea, we find that, generally speaking, both correspond word for word except for some additions in the printed text. The title, convocatory letter, and the first few sessions are more or less identical in both. The major difference between Gouvea's edition and Laerzio's text of the acts is in *Acção* V, section on the Sacrifice of Holy Mass, first decree. In Gouvea's edition (*Synodo Diocesano*, f. 25v-28) there are 42 paragraphs, if we number them. The first paragraph is an introduction and the remaining 41 deal with an equal number of changes to be introduced in the text of the Holy Mass. In Laerzio's text there are only 20 paragraphs. The following paragraphs of Gouvea's edition are absent from Laerzio's: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 25, 26, 27, 31, 32, 36, 37, 38, 41. Para 8 and 9 of Gouvea's are fused into one in Laerzio's. The following is the correspondence of the paragraphs. The first numbers refer to Laerzio's text and the second to Gouvea's edition: 1 = 1, 2 = 2, 3 = 3, 4 = 4, 5 = 5, 6 = 6, 7 = 7, 8 = 8 & 9; 9 = 21, 10 = 22, 11 = 24, 12 = 28, 13 = 29, 14 = 30, 15 = 33, 16 = 34, 17 = 35, 18 = 39, 19 = 40, 20 = 42.

We give here from Laerzio's the full text of this first decree, of *Acção* V, section on H. Mass. It has been already published by Antão (*op. cit.*, p. 166-170). The paras are not numbered in the original. We have introduced the numbering for the facility of comparison. Similarly we give the citations from the text of the Holy Mass in italics. The text is as follows:

" 1. Porque todas as cousas que tocão no Sancto Sacrificio da Missa importa que vão com muita pureza e limpesa e com grande consideração e como esta Igreja esteve tanto tempo de mil e duzentos annos a esta parte fora da obediencia da Santa Igreja Romana Mestra de todas as Igrejas, e donde mana a todos o bom governo, e verdadeiro ensino, cada bispo que vinha de Babilonia como erão scismaticos, e hereges Nestorianos, acrecentava e tirava na missa o que queria sem ordem alguma, do que socedeo estarem postas algumas cousas na missa suriana que se dis neste Bispado com menos consideração, e que podem dar motivo de errar, e favorecer a erros, e outras totalmente impias e hereticas pellas quais se houverão de queimar guardando a devida ordem todos os missais deste Bispado por tãobem serem do uso Nestoriano e ordenados por hereges Nestorianos, mas

como não ha outros porque se possa celebrar emquanto não vem do Papa nosso Sor. outra ordem do que se deve fazer, e não mandar missais impressos da lingua Caldaica que lhe esta sagrada synodo com muita instancia humildemente pede, manda que se alimpem, e concertem nos missais de que se agora usa as causas seguintes. E antes, de serem limpios o que o Reverendissimo Metropolitano fara nesta visitação com as pessoas doutas na lingua caldaica que pera isso tem deputado em todas as igrejas deste Bispado nenhum sacerdote seia ousado a usar delles.

2. Primeiramente como da doutrina deste Santo Sacramento assima declarada conste que o sacerdote não consagra com suas palavras senão com as de Christo nosso Sor. author & instituidor do mesmo divino sacramento não he licito acrecentar na forma da consagração delle clausulas algumas por boas que seiao que Christo nosso Sor. não dissesse nellas, o que se não entende na palavra, *enim*, que a Igreja Romana acrenta na consagração do corpo, & sangue porque alem de não ser clausula, ou sentenca diversa e distinta poemse pera ajuntar e copular a sentenca e palavras de Christo que ficão atras, por onde as palavras que nesta missa se acrecentão na consagração do calix: *Et hoc erit vobis pignus in secula seculorum*, que se não achão em nenhum dos quatro Evangelistas nem em nenhum livro do Testamento Novo que Christo nosso Sor. dissesse na consagração manda a Sagrada Synodo que se não diguao nella, mas porque ellas em si são boas, e santas, e conforme ao que Sancta Igreja canta deste divino sacramento que he o penhor da gloria que esperamos, e por nos conformarnos com o antiguo no que permitir a sinceridade dafee e a razão as dira o sacerdote depois de alevantar o calix, e fazer profunda inclinação começando as outras oraçoes por ellas disendo *Hoc erit nobis pignus in secula seculorum, Gloria tibi Domine mi, gloria tibi*, e o mais que se segue na missa.

3. Item na mesma consagração do calix se acrecentem as palavras de Christo aonde dis *Novi testamenti mysterium fidei qui pro vobis* etc. E pera em tudo reformar as palavras do Canon manda a sagrada Synodo que o Canon desdas palavras *Dominus noster Jesus Christus in illa nocte qua tradebatur* até fim da consagração do calix se reforme, e treslade em todos os missais pello Canon do missal Romano de que usa a Igreja universal desde as palavras *Qui pridie quam pateretur* athe *Haec quotiescunque feceritis in mei memoriam facietis* com as mesmas cerimonias, e inclinações do missal Romano e dahi por diante começara *Hoc erit nobis pignus in secula seculorum, Gloria tibi Domine, mi, gloria tibi*, com o demais como assima fica mandado.

4. Item aonde dis o sacerdote *Domine Deus noster quando*

spirabit in nobis odor suavissimus no lugar aonde nesta oração dis *Et cum animae nostrae veritatis tuae splendore fuerint illustratae tunc occurremus dilecto filio tuo* etc. falando do dia do juizo se ha de diser *Et cum corpora nostra veritatis tuae splendore fuerint illustrata tunc occurremus* etc. porque as almas dos justos antes do dia do juizo são illustradas & glorificadas no ceo e entaõ so recembem a gloria os corpos e parece que allude a heregia dos mesmos Nestorianos que disem que as almas dos justos antes do dia do juizo não vem a Deos, nem são glorificadas nem almas benaventuradas.

5. Item aonde dis o Diacono orando *pro Sanctis Patribus Nostris Patriarcha Nostro Pastore Universali totius Ecclesiae Catholicae*, intendendo pollo scismatico de Babilonia, *et Episcopo huius Metropolis* se ha de diser *pro Sanctis Patribus Nostris Beato Sso. Papa Nostro totius Ecclesiae Catholicae Pastore* nomeando por seu nome, *et Episcopo huius Metropolis* momeando tãobem por seu nome, *et ministris ipsorum etc.*

6. Item mais abaixo aonde outra ves o Diacono diz orando *Praecipue oportet nos orare pro incolumitate patrum Nostrorum Sanctorum Domini Patriarchae totius Ecclesiae Catholicae Pastoris* nomeando o Patriarcha de Babilonia por seu nome, se ha de diser outra ves *Praecipue oportet nos orare pro incolumitate patrum Nostrorum Sanctorum Domini Papae*, pondo-lhe o nome, *Et Episcopi hujus Metropolis* nomeando tão bem por seu nome.

7. Item aonde o mesmo Diacono diz mais adiante *Commemoremus autem Beatissimam Mariam Virginem Sanctam Matrem Domini & Salvatoris ac Redemptoris Nostri &cta.* se ha de pôr *Sanctam Matrem Dei vivi & veri & Salvatoris & Redemptoris nostri &cta.* porque os perversos Nestorianos negão impiamente averse de chamar a Sacratissima Virgem Maria May de Deos, como assima fica dito.

8. Item aonde diz mais abaixo o mesmo Diacono *Commemoremus quoque Patres Nostros Sanctos, et veritatis Doctores Dominum & Sanctum Nestorium, Sanctum Deodorum, Sanctum Theodorum, S. Ephrem, S. Abraham, S. Narcisum omnesque Doctores et Presbiteros veritatis cultores. Oremus ut ipsorum orationibus veritas pura ac syncera doctrina quam ipsi docuerunt et professi sunt in omni Ecclesia sancta custodiatur usque ad seculi consummationem* o que tudo he heretico e impia oração por pedir sacrilegamente Deos que se guarde e doutrina de Nestor, e dos mais hereges seus sequazes na Igreja, quais são todos os que nomeão como assima fica dito, tirando S. Ephrem, por onde em luguar desta se digua *Commemoremus quoque Patres Nostros Sanctos et veritatis Doctores, Sanctum Cyrillum, S. Athanasium, S. Basilium,*

S. Ephrem, S. Augustinum, S. Leonem, S. Gregorium omnesque Doctores & Presbiteros &cet. E postoque em algums missais poucos estão borrados o nome de Nestor, Theodoro & Deodoro comtudo nos outros estão postos hums e outros e em todos estão postos os nomes de Abrahão & Narciso, cabeças desta maldita seita no que se tenha tento nas emendas porque aindaque nesses poucos se achem borrados os primeiros nomes, vão por diante a borrar os outros.

9. Item no *Credo* que se canta na missa faltão algumas palavras como assima fica notado, decreto undecimo de acção 3 das cousas da fee as quais se lhe acrescentem, e se reforme, e treslade tudo pelas mesmas palavras comque se canta em toda Igreja Catholica que se contem no missal Romano.

10. Item loguo acabado o *Credo* aonde o Diacono orando, e fazendo commemoração dos Sanctos Apostolos, Martyres, e Confessores pede por elles a Deos que os resuscite, e sejam coroados com coroa de ressurreição dos mortos dizendo *Oremus*, inquam, *ut resurrectione, quae est ex mortuis a Deo corona donetur* porque (alem de não ser costume da Igreja orar pollos Sanctos Apostolos, Martyres, Confessores, nem pedir pera elles bem algum por crer que tem acquirida a posse de todos, antes a elles pede que orem por nós e nos alcancem de Deos como familiares & amiguos seus, onde que temos necessidade, e nos importa pera nossos bens spirituais, & temporais licitos) parece que allude a opinião dos Nestorianos que as almas dos Sanctos não vem a Deos senão depois de resuscitados seus corpos no dia do juizo, e athe então estão no paraizo terreal o que he impio, e heretico por onde manda a sagrada Synodo que por esta suspeita e senão achar nas orações usadas na Igreja semelhante petição feita a Deos pellos Sanctos, postoque elles no Apocalipse a fação pera si, se borrem as ditas palavras, e se continuem com as de cima as que se seguem dizendo *Et Confessores huius loci et omnium regionum oremus* inquam *ut det nobis ut reficiamur sociorum &ct.* deixando as palavras assima ditas.

11. Item adiante aonde o sacerdote falla com aquelles que estão a mão direita do altar, e elles respondem com o Diacono *Christus exaudiat orationes tuas* no luguar em que diz *Hoc sacrificium quod tu offers pro te, pro nobis et pro toto orbe a minimo usque ad maximum* se devem tirar estas derradeiras palavras: *a minimo usque ad maximum*, porque como a missa he oração publica da Igreja não se ora nella pellos infieis hereges scismaticos, escomungados nem se oferece por elles senão soo pello fiel, catholico & unido com a Igreja e em seu luguar se deve dizer *Quod tu offers pro te, pro nobis et pro universa Ecclesia Catholica*

et omnibus orthodoxis atque Catholicae et Apostolicae fidei cultoribus.

12. Item mais abaixo onde diz o Diacono e clero orando *Et pro omnibus Patriarchis, Episcopis, et Presbiteris Ect.* se ponha. *Et pro beatissimo Papa Nostro N.* nomeando. *Et pro omnibus que Patriarchis, Episcopis &cet.*

13. Item no hymno que o choro e Diacono dizem, alternatim depois de alevantar o Sanctissimo Sacramento em hum verso do choro emque dis *Sacerdos quando ad Sanctum altare ingreditur manus suas pure protendit in coelum et invitat Spiritum qui de superis descendit, et consacrat corpus et sanguinem Christi* aonde parece que diz que o sacerdote chama o spirito que vem do ceo, e consagra a corpo de Christo, e não o sacerdote, e como o sacerdote, ha o que verdadeiramente consagra, postoque com as palavras de Christo, e não com as suas, por se não dar occasião de errar se ha de dizer *Manus suas pure protendit in coelum et consacrat corpus & sanguinem Christi* deixando as palavras & *invitat Spiritum qui de superis descendit et consacrat etc.*

14. Item na oração que diz o Diacono que começa *omnes nos timore pariter & amore accedamus* no lugar em que dis *Unigenitus Dei mortale corpus et spiritualem, rationalem immortalemque animam ex filiis hominum suscepit* por senão dar occasião ao error que algums tiverão e muitos Nestorianos seguem que a alma se tradus tão bem por geração com os corpos, e se toma tão bem dos pais como elles, sendo ella criada por Deos do nada, e infusa nos corpos tantoque perfeitamente são formados, se ha de dizer *Unigenitus Dei mortale corpus ex filiis hominum, & spiritualem, rationalem immortalemque animam suscepit.*

15. Item na primeira benção que o sacerdote daa ao povo no fim da missa, aonde diz *Benedicatur Cathedra gloriosa Catholicorum Orientalium* entendendo pela scismatica de Babilonia se ha de dizer *Benedicatur Cathedra gloriosa Catholicorum Romana.*

16. Item no verso seguinte da mesma benção aonde fallando do Bispo da diocese dis *Dominus totius gregis Episcopus plenus sobrietate custodiatur a malo &cet.* se ha de pôr o nome do Papa nosso Sor. dizendo *Dominus totius gregis catholici Papa N. plenus sobrietate custodiatur a malo una cum bono Doctore, et Episcopo Nostro N.* nomeandoo por seu nome.

17. Item mais abaixo na mesma benção aonde dis *Illustris in congregatione Sanctorum religiosus Hormisda Sanctitas Sanctitatum &ct.* se ha de tirar o nome de Hormisda por ser herege Nestoriano como assima fica dito e em seu lugar dizer *Illustris in congregatione sanctorum Sanctissimus Apostolus Thomas Sanc-*

titas Sanctitatum e tudo mais que se segue que convem muyto ao glorioso Apostolo que foi mestre, e ensinou a fee a estes povos e não ao falço herege.

18. Item na outra benção que se daa nos dias mais solemnes aonde diz *Salva Reges nostros et duces nostros* se ha de dizer *Salva Reges nostros fideles, et duces nostros catholicos* porque todos os Reis & senhores onde estão as Igrejas desta Christandade são infieis porquem (pellos quaes) senão pode orar nas oraçõis publicas da missa.

19. Item mais abaixo na mesma benção aonde diz *Sicut decet coram ipso Jesu Salvatore* se ha de dizer *coram ipso Jesu Deo Salvatore* por rezão dos erros dos Nestorianos.

20. Item no fim da 3a benção aonde dis *Gloria illi ex omni ore Jesu Domino*, ha da dizer pella mesma rezão, *Gloria illi ex omni ore Jesu Domino Deo*, porque os Nestorianos dizem impiamente que ho nome de Jesus he nome do supposto humano, e não lhe convem o de Deos ". Here ends our first decree.

To resume our comparison of Laerzio's text with Gouvea's edition, we might point out further the following differences. In *Acção* VII, the 15th decree is absent from Laerzio's manuscript. So the correspondence from the 15th decree onwards is as follows : 15 = 16 ; 16 = 17 ; 17 = 18 ; 18 = 19 ; 19 = 20. In *Acção* VIII, by mistake, decrees 4 to 9 are given as 14 to 19. Gouvea's 21st and 22nd decrees in *Acção* IX are absent from Laerzio's text. Thus the correspondence from the 21st decree onwards is as follows : 21 = 23 ; 22 = 24 ; 23 = 25. Besides, there are small omissions here and there in Gouvea's edition, for example, two or three of the last lines in *Acção* VI, decree 19. In *Acção* VIII, decree 17, the ending " & não digão a oração ao impio herege Nestor que costumavão dizer entrando na Igreja tomando agoa benta, que o Synodo condemna por heretica, & blasfema ", has been added later on, since it is missing from Laerzio's text. Similarly in *Acção* IX, the last line or lines of the decrees 4 and 5 are absent from Laerzio's text.

The report of the happenings after the Synod, the letter of the Bishop of Cochin, and the Synod's reply, are all found in the manuscript in the same way as we find them in Gouvea's edition. The date of the closing of the Synod is given as June 25 (f. 339v). The notes on the Syrian Mass are absent.

From what we have said above, we find that besides the changes and additions in Laerzio's text others were introduced a second time, in a limited way, by Gouvea, before the Synod was finally given to the press.

(iii) We know that Menezes wanted to send a copy of the acts to Rome when Laerzio was about to leave for the Eternal City ([42]) and that after some time it was actually sent and received in 1600/1601 in Rome ([43]). We can be sure that this text was in Portuguese, as it is clearly said that it was being translated into Latin ([44]). We do not know anything more about this Portuguese manuscript copy. Assuming that the Latin manuscript copy of the acts, ARSI, *Goa-Mal.* 62 is dependent on the text sent by Menezes to Rome in 1600/1601 (see Appendix § 4, p. 203) we can make the following observations. The copy sent by Menezes has the very same omissions as the copy previously brought to Rome by Laerzio. The Latin translation however is very much abridged, if we compare it with the Laerzio's text. Whether these abridgements were already in the text sent by Menezes or whether they were introduced in the process of translation, we do not know.

(iv) Now, we have to inquire into the story of the Portuguese manuscript which Gouvea made use of in printing the acts. From the date of the dedication of the book, September 27, 1603, appearing at the beginning of *Jornada*, we can infer that *Jornada* together with the acts of the Synod of Diamper ([45]) was prepared for the press at that time. We know from the letters of Ros and others, that it was more or less at the same time that the Archbishop of Goa had asked for and obtained the signatures which were in the original copy preserved in Vaipicotta. The signatures were then separated from the original which was in Malayalam, a copy of no use to Menezes. We have said elsewhere, that Menezes, in all probability, owing to the persuasion and insistence of Ros, abandoned the idea of getting the acts approved by the Holy See, and instead thought of getting them printed. For this purpose he seems to have eventually sent to Coimbra the copy he had prepared, with the signatures received from Malabar. The reasons for supposing this will become clearer as we follow up the story of the manuscript that served for the publication of the acts in Coimbra. In the permission granted for the publication of the acts, there is mention made of the *original* with which they had to be confronted and compared after the printing, before permission for

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([42]) See ch. IV, note 33, & 42, p. 120 & 122,
([43]) See ch. IV, note 42, p. 122.
([44]) *Ibid.*
([45]) GOUVEA, *Jornada*, f. 152.

circulation would be granted ([46]). By the *original* of the acts of the Synod, it is very likely that a copy supposedly used in the Synod itself, and consequently with the signatures was meant. But this, by itself, is not conclusive. The manuscript that was used for Gouvea's book seems to have been taken at a later date to Rome, to find its place in the *Bibliotheca Angelica* of the Augustinian Fathers; for, not only is there no trace as yet of any copy of the acts of the Diamper Synod in Portugal, though we searched as much as we could, — either in Coimbra, or in the more important archives and libraries of Lisbon — but we have the testimony of Raulin, that the *original* of the acts of the Synod was in his time in the *Bibliotheca Angelica*, from which he prepared his Latin translation. For we read in the dedication of his work to Pope Benedict XIV the following: " Diamperitanam Synodum toto Oriente celeberrimam ex Angelicae Bibliothecae pluteis erutam & ex autographo Lusitane conscripto, a me latine redditam " ([47]). Benedict XIV himself is said to have gone more than once through this autograph of the acts of the Synod ([48]). In the *Monitum ad Lectores* again we read: " Synodus ipsa quarto loco affertur, e Lusitano ipso Archetypo, edito Conimbriae anno 1606 septem post synodum annis, ab illustrissimo Augustiniensi Antonio De Gouvea Patriarcha Armeniae, & Episcopo Cyrenense qui iter Menessianum accuratissime descripsit, ut e testimoniis veridicis, & schedis commentariisque Alexii ipsius, acceperat, ex illo Lusitano, pene obseleto sermone, per me Deo adjuvante in Latinum conversa, tanta diligentia tamque sincera fide, ut nisi forte quod humanum est, fallor, exemplar exacte autographo respondere non diffidam " ([49]). From these two passages it is clear that Raulin thinks that the manuscript from which he made the translation was the very same original of the acts of the Synod; for he clearly calls his source *autographum* in the passage cited above. The word *archetypo* in the quotation might by itself perhaps mean also the first edition; but it is clearly separated from *edito*, the word immediately following it, by a comma; and, in our context cannot mean anything else but the original manuscript copy,

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([46]) GOUVEA, *Jornada*, folio immediately following the one with the title.

([47]) RAULIN, *op. cit.*, p. iii, if numbered.

([48]) *Ibid.*, p. v., if numbered: " ... dictaeque synodi autographum, non semel attente perlegisti ".

([49]) *Ibid.*, p. xi-xii, if numbered.

since, *archetypus* is identified with *autographum* in the very same sentence. Raulin has also supposed that the same *Archetypus* was edited by Gouvea in 1606. Now Raulin who knew the story of the Diamper Synod very well could not have ignored the fact that all who were present at it put their signatures to the acts at the end of the Synod, and therefore, the copy he had before him, must have had, in all probability, at the end of it the signatures of those who assembled for the Synod. Already, before Raulin's book (1745), we find in a Malayalam manuscript of the acts (*Vaticano Indiano*, n. 18 of a date not later than 1742) a reference to the Portuguese copy preserved in the *Bibliotheca Angelica*. On the title page of *Vat. Ind.* n. 18 we read: " cujus in Lusitanam linguam translatio exstat in Urbe apud Bibliothecam Angelicam Ord. S. Augustini ". We find references to the autograph of the Synod, even in later writers; for example Paiva Manso ([50]) writes in 1872: " Ejus [Synodi Diamperitanae] autographum lusitanum Romae in Angelica Bibliotheca asservatur ". It is possible here, however, that this author took his information from Raulin without verifying it for himself. But, what makes us think that the copy from which Raulin prepared his edition had the signatures, is the fact that a certain priest of the Syro-Malabar Carmelite Congregation, who later became its Prior General, Fr. Alexander (Jr.) of St. Joseph, is reported to have seen, while a student in the Propaganda College, Rome (c. 1887-92) ([51]), a Portuguese copy of the acts of the Synod with the signatures of those who attended it, " in a library of the Augustinian Fathers ". We have many a time searched for the manuscript in the *Bibliotheca Angelica* and in some of the other libraries of Rome. But we did not succeed in finding any trace of it.

(v) There was a Portuguese copy of the acts of the Synod of Diamper in the Propaganda collection of Indian codices, as we understand from the Catalogue of Paulinus of St. Bartholomew. Most of these codices are now in the Vatican Library, in *Fondo Borgiano Indiano*; but, it was not possible to find this Portuguese manuscript of the acts of the Synod of Diamper there. Is it still in the Propaganda? We made a search there

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([50]) *BPPA*, t. 1, p. iv, if numbered.

([51]) Fr. Alexander came to Rome in 1887 and took a course of Philosophy and Theology there, which must have lasted 6 to 7 years. The information given above we got from Fr. Placid, T. O. C. D. who was himself given it by Fr. Alexander.

as well, but in vain. The reference in Paulinus to the manuscript is as follows: "Eadem Synodus [Diamperitana] idiomate Lusitano. Codex manuscriptus" (52).

(b) *Editions of the Acts in Portuguese.*

Many Portuguese editions of the acts have been made. Allowing for very insignificant variations all are identical with the first, prepared by Gouvea.

The acts were published for the first time in the Coimbra University Press, in 1606. "*Synodo Diocesano da Igreja e Bispado de Angamale dos antigos christãos de Sam Thome das Serras do Malabar das partes da India Oriental*". They were published together with *Jornada.*

The later editions that have reproduced the same text are the following:

1. Rivara J., *Archivo Portugez Oriental*, fasc. 4, Goa, 1862.
2. Paiva Manso, *BPPA*, t. I, Lisbon, 1872, p. 147-368.

The *BPPA* has taken the text from Rivara (53).

§ 4. *Latin Manuscript copies and editions of the Acts.*

There are two copies in Latin of the acts of the Synod, preserved in the Jesuit Archives, Rome. One is in the form of a bound codex (ARSI, *Goa-Mal.* 62, 27 cm × 19 cm) and the other is without binding collocated as ARSI, *Goa-Mal.* 32, f. 711-78. Both are identical except that many folios are missing from the second copy, the folios, nevertheless, being numbered continuously. Thus from the sixth session, (decree 3, of which the last few lines are missing) all the decrees up the 7th session, (decree 1 of which only the last two lines are present), are wanting in this second copy. The gap is between the folios 755 and 756 and the corresponding portion of the acts is found in the other copy, in f. 51 to 63. Neither date nor other particluars are noted on either of these copies. But we can be sure, to begin with, that the first copy was made in Rome at least before the end of 1605, for, besides the paper being Roman of the

(52) Paulinus, *Examen Historico-Criticum* ... p. 71, n. xxviii.
(53) *BPPA*, t. I, p. iv, if numbered, foot note.

beginning of 17th century (water mark, a bird on three bills, within a circle, with a cross on the top) (54), the binding has the coat-of-arms of Pope Clement VIII, who died in 1605. It si certain, therefore, that it was written at least not later than 1605. From other sources we can conclude that this translation was made in 1600/1601, under the direction of Albert Laerzio. In the report about the St. Thomas Christians presented by Albert Laerzio to Card. Severina and through him to Pope Clement VIII in March 1601 (55), we read: " L'arcivescovo di Goa ha scritto a Sua Santità una lettera sopra questa materia et l'informa del stato di quella chiesa et ha ancora mandato il detto concilio che adesso si sta traducendo in latino, et finito si darà a Sua Santità " (56). Beltrami has supposed that this translation into Latin was done in Malabar and that Raulin tried in vain to get a copy of it through Muratori (57). For us it seems more natural to suppose from the above-mentioned reference itself that the rendering into Latin was done in Rome ; for Laerzio speaks in the report as one who follows from near the development of the translation. The fact that we have actually a text written about that period in Rome corroborates this view still further, and the following facts make us conclude that ARSI, *Goa-Mal.* 62 was prepared under Albert Laerzio's direction, before he left Rome for India on May 29, 1601 (58) : (i) The translation, except for its abridged character, agrees with the copy Albert Laerzio brought from India about which we have already spoken above. (ii) It has a few additions which we find nowhere else, and which are certainly of Albert Laerzio's inspiration (we shall come to these additions presently). (iii) All intention of presenting the acts to the Holy See (in Latin of course), was dropped before Laerzio left for India (59).

From which text was this translation made ? Since we read in the memorial presented by Laerzio the following: " L'arcivescovo di Goa ... ha ancora mandato il detto concilio, che adesso si sta traducendo in latino ", we can somewhat safely conclude

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(54) Fr. G. Schurhammer has kindly fixed for us the date of the paper with the aid of the watermark.

(55) See ch. IV, note 39, p. 121.

(56) See ch. IV, note 42, p. 122.

(57) Beltrami, *op. cit.*, p. 124, note 83.

(58) See ch. IV, note 88, p. 144.

(59) See ch. IV, note 71, p. 136.

that the translation was made from the text sent by Menezes to Rome in 1600/1601 ([60]).

The other incomplete copy ARSI, *Goa-Mal.* 32, f. 711-78, bears no date; but is on Roman paper, and as can be judged from the water mark (a bird with the letters N & A to the left and right within a circle) ([61]), belongs to the period 1650-80. In all likelihood the copy was made for preservation in the archives.

Now, comparing this Latin text with the other known texts we find that it agrees with the Portuguese copy brought by Albert Laerzio from India, with this difference, if we overlook two or three additions, that the text is very much abridged, and many a time two, or very rarely three, decrees in the Portuguese, are fused into one in the Latin.

With regard to the additions we find a conspicuous one in the convocatory letter supposed to have been circulated before the Synod of Diamper. There, while the state of the Church of Angamali is being described the following passage, which we do not find anywhere else, occurs in the Latin text: " Deo sane tantum beneficium acceptum referimus, qui statum hujus ecclesiae miseratus statuit tandem aliquando eam in viam salutis adducere; proinde Patribus Societatis Jesu, ante annos pene triginta eam mentem iniecit ut in has gentes penetratrent; illi vastitatem calamitatemque considerantes [?], rati necessario figendam hic esse Sedem, collegium Vaipicottae erexerunt, inde crebris excursionibus in proximas urbes atque oppida rem christianam usquequaque promoverunt deprehensisque per otium erroribus qui linguis ignotis tegebantur et pastorum imprimis in Patriarcham Babylonium et Nestorianam heresim propensione id suos Romae docuerunt, ibi oportunum remedium quaesitum sollicitataque supra memorata diplomata a SS. D. N. Clemente VIII " ([62]).

Another addition is with regard to the presence of the Jesuit Fathers at the Synod of Diamper: " Post obitum Archiepiscopi Marhabrami convenere ad synodum celebrandam Illums. Alexis de Menezes Archiepiscopus Goaenis, adm. Rev. P. Georgius Archidiaconus, ceterique cassanares, sacerdotes, P. Stephanus de Britto, rector collegii Vaipicottensis, cum tribus aliis Patribus Societatis Jesu, uti episcopatus indigentis et reductionis hujus Ecclesiae

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([60]) See § 3, a, iii, p. 199-200.

([61]) Fr. G. Schurhammer has kindly fixed for us the date of the paper with the aid of the watermark.

([62]) ARSI, *Goa-Mal.* 62, f. 2v.

curatores, procuratores electi a suis populis ... " (63). It is plain that Albert Laerzio has introduced these additions.

As in the Portuguese text taken to Rome by Albert Laerzio, decree 15 of *Acção* VII (Gouvea) and decrees 21 and 22 of *Acção* IX (Gouvea) and the very same paragraphs of decree 1 on the Sacrifice of Mass in *Acção* V (Gouvea) are missing in the Latin translation too, if we compare it with Gouvea.

First to Fifth Session: Till session 5 (*Actio Quinta*) the text, though of course abridged, corresponds with the Portuguese of Gouvea, in matter and order. Only the introduction about the Sacrament of Confirmation is wanting, which, however, is present in the Portuguese of Laerzio. For the rest, we shall give first the number of the decrees as in the Latin manuscript and then the corresponding number or numbers of the decrees in the Portuguese of Gouvea.

Fifth Session on Holy Mass: 1 = 1; 2 = 2; 3 = 3; 4 = 4; 5 = 5 & 6; 6 = 7; 7 = 8 & 9; 8 = 10 & 11; 9 = 12; 10 = 13; 11 = 14; 12 = 15.

We give here the full text of the first decree on Holy Mass as we have taken it as a common point of reference for the various versions. The numbering of the paragraphs is introduced to facilitate comparison. We have italicized the texts of the Holy Mass referred to here. The text is as follows:

" 1. Cum a tot seculis hic Episcopatus a Sancta Romana Ecclesia disciverit heretici Pastores in Missalibus lingua Syriaca scriptis errores suos atque hereses passim inexuere, ea propter igni omnes mandandi essent, verum quia non suppetunt alii qui in sacris faciendis usui esse possint. Interim dum Sanctissimus Dominus noster Papa alios non mittit, quos ab eo suppliciter petit haec Synodus, sperans illum pro suo paterno erga hosce iubet, ut depravata corrigantur et hereses atque errores omnes auferantur interim vero antequam purgentur nullus sacerdos illis utatur.

2. In consecratione Corporis et Sanguinis Domini addebantur haec verba, *Et hoc erit vobis pignus in secula seculorum* quae in Sacra Scriptura non reperiantur, precipitur ut auferantur inde, et quia Synodo cordi est antiquas huius ecclesiae consuetudines retinere, dummodo illae fidei sinceritati non refragentur, aut bonis moribus officiant, decernit ut post elevationem calicis, ac profundam inclinationem sacerdotis illa eadem verba dicantur, scilicet *Hoc erit nobis in secula seculorum, Gloria tibi Domine mi gloria tibi*, et quae sequuntur.

(63) *Ibid.*

3. In eadem consecratione calicis ubi dicitur *Novi Testamenti, qui pro nobis et multis* restituantur omnia Christi verba scilicet *Novi et eterni Testamenti mysterium fidei qui pro nobis* atque ut canon exacte reformetur, praecipitur ut ab illis verbis *Dominus noster Jesus Christus in illa nocte qua tradebatur* usque ad finem consecrationis Calicis apponantur ea quae sunt in Missali Romano, incipiendo a verbis *Qui pridie quam pateretur* usque ad illa, *Haec quotiescumque feceritis in mei memoriam facietis* servatis omnibus ceremoniis quae ibi annotantur; tunc deinde sequitur *Hoc erit nobis pignus in secula seculorum, Gloria tibi Domine mi, gloria tibi.*

4. Item in illa oratione *Domine Deus noster, quando spirabit in nobis odor suavissimus,* ubi loquendo de extremo judicio additur *Et cum anima nostra veritatis tuae splendore ... tunc occurremus Dilecto Filio tuo* dicatur *Et cum corpora nostra veritatis tuae splendore fuerint illustrata tunc occurremus*; videtur enim alludi ad heresim Nestorianam, qua impie docetur animas justorum ante diem judicii non esse beatas, nec Deum videre.

5. Item ubi Diaconus dicit *Pro Sanctis nostris Patribus Patriarcha nostro* (intelligit Babilonicum) *Pastore universali totius ecclesiae catholicae et Episcopo hujus Metropolis* dicatur *Pro Sanctis Patribus Beatissimo Papa nostro N. totius ecclesiae Pastore, et Episcopo huius Metropolis N. et ministris ipsorum.*

6. Item ubi iterum dicit Diaconus *Praecipue oportet nos orare pro incolumitate Patrum nostrorum sanctorum, Domini Patriarchae totius Ecclesiae Catholicae Pastoris* prolato proprio nomine Patriarchae Babilonici, dicatur *Praecipue oportet nos orare pro incolumitate Patrum nostrorum Domini Papae N. et Episcopi hujus Metropolis N.*

7. Item ubi iterum dicit *Commemoremus autem Beatissimam Mariam Virginem Sanctam Matrem Christi et Salvatoris* dicatur *Sanctam Matrem Dei vivi et veri et Salvatoris ac Redemptoris nostri.*

8. Item ubi dicit *Commemoremus quoque Patres nostros Sanctos et veritatis doctores Dominum et Sanctum Nestorium, S. Diodorum, S. Theodorum, S. Ephrem, S. Abraham, S. Narcisum, omnesque doctores, presbyteros veritatis doctores, oremus ut ipsorum orationibus veritas pura et sincera doctrina quam ipsi docuerunt et professi sunt in omni ecclesia sancta custodiatur usque ad seculi consummationem* quae cum impia sint, deleantur, et loco eorum dicatur *Commemoremus quoque Patres nostros Sanctos et veritatis doctores S. Cyrillum, S. Athanasium, S. Basilium, S. Eph-*

rem, S. Augustinum, S. Leonem, S. Gregorium omnesque Doctores et Patres.

9. Item in *Credo* addantur verba quae desunt juxta decretum undecimum Actionis 3.

10. Item ubi postea facta commemoratione Sanctorum Apostolorum Martyrum et Confessorum additur *Oremus*, inquam, *ut resurrectione qua est ex mortuis a Deo corona donentur* qua innuitur eadem Nestoriana heresis supra memorata, quare omnino deleantur haec verba, cum talis oratio pro sanctis Apostolis, Martyribus et Confessoribus in Ecclesia non sit consueta ; dicatur igitur *Et Confessores hujus loci et omnium regionum oremus*, inquam, *ut dent nobis, ut reficiamur sociorum...*

11. Item ubi sacerdoti respondetur *Hoc sacrificium quod tu offers pro te, pro nobis et pro toto orbe a minimo usque ad maximum*, ne intendantur comprehendi etiam infideles in publica oratione Ecclesiae, dicatur, *Quod tu offers pro te, pro nobis et pro Universali Ecclesia Catholica et omnibus orthodoxis atque Catholicae et Apostolicae fidei cultoribus.*

12. Item inferius ubi dicitur *Et Pro omnibus Patriarchis, Episcopis et Patribus* dicatur *Et Pro Beatissimo Papa nostro N. et pro omnibus Patriarchis Episcopis.*

13. Item in hymno, quem Chorus et Diaconus alternatim concinunt post elevationem Sanctissimae Eucharistiae dicitur *Quando ad Sanctum Altare ingreditur manus suas pure protendit in coelum et invitat Spiritum qui de superis descendit et consacrat Corpus et Sanguinem Christi*, quo videtur innui Spiritum de coelo descendentem consecrare, non vero sacerdotem, quare ne detur occasio errandi dicatur *Manus suas pure protendit in coelum et consacrat Corpus et Sanguinem Christi*, omissis verbis intermediis.

14. Item ubi dicitur *Unigenitus Dei mortale corpus, et spiritualem, rationalem immortalemque animam ex filiis hominum suscepit*, ne videatur faveri errori aliquorum etiam Nestorianorum qui dicebant animam in generatione parentibus effici atque desumi, cum tamen licet a parentibus per naturalem generationem introducatur in corpore, a Deo tamen solo creatur, dicatur *Unigenitus Dei mortale corpus et spiritualem, rationalem immortalemque animam suscepit.*

15. Item in prima benedictione ad finem Missae dicit sacerdos *Benedicatur Cathedra gloriosa Catholicorum Orientalium*, dicat tamen *Benedicatur Cathedra gloriosa Catholicorum Roma.*

16. Item ubi consequenter dicit idem sacerdos *Dominus totius gregis Episcopus plenus sobrietate custodiatur a malo* dicat

Dominus totius gregis Catholicae Papa N. plenus sobrietate custodiatur a malo, una cum bono doctore et Episcopo nostro N.

17. Item inferius dicit *Illustris in Congregatione sanctorum religiosus Hormisda Sanctitas Sanctitatum*, dicat tamen *in Congregatione Sanctorum Sanctissimus Apostolus Thomas Sanctitas Sanctitatum* et quae sequuntur.

18. Item in benedictione qua utitur sacerdos in diebus solemnioribus dicit *Salva Reges nostros et Duces nostros*, dicat tamen *Salva Reges nostros et Duces nostros Catholicos* quia Reges et Principes regionum in quibus est haec ecclesia infideles sunt.

19. Item inferius ubi dicitur *Sicut est coram ipso Jesu Salvatore* addatur *Coram ipso Jesu Deo Salvatore*, idque propter Nestorianos.

20. Item in fine tertiae benedicationis ubi dicitur *Gloria illi ex omni ore Jesu Domino* addatur similiter *Jesu Domino Deo* ".

Here ends the first decree. Let us now resume our comparison of the Latin text with that of Gouvea's.

Sixth Session : In the Latin, there is no introductory paragraph explaining the doctrine on Penance, although it is present in Laerzio and Gouvea. 1 = 1 ; 2 = 2 ; & 3 ; 3 = 4 & 5 ; 4 = 6 & 7 ; 5 = 8 & 9 & 10 ; 6 = 11 ; 7 = 12 ; 8 = 13 & 14 & 15. On Extreme Unction, again in the Latin, there is no introduction, which we find in Laerzio's text. But there are all the three decrees : 1 = 1 ; 2 = 2 ; 3 = 3.

Seventh Session : Again in the Latin there is no introductory paragraph explaining the doctrine, on the sacrament of the Holy Orders although Laerzio's text has it. 1 = 1 ; 2 = 2 ; 3 = 3 & 4 ; 4 = 5 ; 5 = 6 ; 6 = 7 & 8 ; 7 = 9 ; 8 = 10 ; 9 = 11 ; 10 = 12 ; 11 = 13 & 14 ; 12 = 16 ; 13 = 17 ; 14 = 18 ; 15 = 19 ; 16 = 20 ; 17 = 21 & 22 partly ; 18 = 22 partly ; 19 = 23. The introduction on Matrimony in Laerzio's is absent from the Latin. 1 = = 1 & 2 ; 2 = 3 ; 3 = 4 & 5 ; 4 = 6 & 7 ; 5 = 8 ; 6 = 9 ; 7 = 10 : 8 = 11 ; 9 = 12 ; 10 = 13 ; 11 = 14 & 15 ; 12 = 16.

Eighth Session : 1 = 1 ; 2 = 2 ; 3 = 3 ; 4 = 4 ; 5 = 5 ; 6 = 6 & 7 ; 7 = 8 ; 8 = 9 ; 9 (written wrongly 8) = 10 ; 1 0= 11 ; 11 = 12 & 13 ; 12 = 14 ; 13 = 15 & 16 ; 14 = 17 ; 15 = 18 ; 16 = 19 & 20 ; 17 = 21 ; 18 = 22 & 23 ; 19 = 24 ; 20 = 25 ; 21 = 26 ; decree 27 of Gouvea, although found also in Laerzio's text is missing from the Latin ; 22 = 28 ; 23 = 29 ; 24 = 30 & 31 ; 25 = 32 & 33 ; 26 = 34 ; 27 = 35 ; 28 = 36 ; 29 = 37 ; 30 = 38 ; 31 = 39 ; 32 = 40 ; 33 = 41.

Nineth Session : 1 = 1 ; 2 = 2 & 3 ; 3 = 4 ; 4 = 5 ; 5 = 6 & 7 ; 6 = 8 ; 7 = 9 ; 8 = 10 ; 9 = 11 ; 10 = 12 ; 11 = 13 5 12 = 14;

13 = 15 ; 14 = 16 ; 15 = 17 ; 16 = 18 & 19 ; 17 = 20 ; 18 = 23 19 = 24 ; 20 = 25.

The Latin text ends with the narration of the signing. We do not find any report about Menezes' tour after the Synod or the letter of the Bishop of Cochin or the reply of the Synod. We reproduce here the last decree of the Synod and all that follows in the manuscript.

" ACTIO NONA, DECRETUM XX „

Precipitur omnibus vicariis, ut ea transcribant quae in hac synodo continentur, et in omnibus Ecclesiis liber habeatur a Malaberi Originali fideliter transcriptus et ab admodum Reverendo Archidiacono hujus episcopatus et Padre Rectore Collegii Vaipicottensis subscriptus singulis vero dominicis ac festis diebus aliquid illius legetur populo quando non erit habenda concio, nec legendus cathechismus ubi enim fuerit cathechismus, legatur in dominicis diebus, aliis vero diebus festis legetur aliquid hujus Synodi, quo ipsius decreta innotescant, memoriaque semper teneatur id quod praeceptum est ut executioni mandetur.

Duo etiam originalia subscripta ab Illustrissimo Metropolitano ac ceteris canonicis conserventur alterum in Collegio Vaipicottensi Societatis Jesu, alterum in Archivis Ecclesiae Angamallensis, ut per haec duo originalia quovis tempore emendari discripta possint. Plurimum ergo synodus commendat Vicariis Cassanaribus Chemassibus et universis populis, Bassaribusque ut decretis hujus Dioecesanae Synodi se accomodent eaque observent et inviolabiliter observare faciant quoad potuerint, id quod eosdem facturos sperat iuvante gratia Dei Patris, Filii et Spiritus Sancti qui vivit et regnat in secula seculorum. Amen.

Subscripsere huic Synodo Diocesanae propria manu praeter Illustrissimum Metropolitanum omnes convocati qui fuere tredecim et octingenti, scilicet Cassanaros et sacerdotes tres supra centum et quinquaginta, aliqui Diaconi, Subdiaconi, Chemases et electi Procuratores populorum. Finis. "

We are not aware of any other Latin manuscript copy of the acts of the Synod of Diamper. It is said ([64]) that *Biblioteca Nazionale Vittorio Emmanuele*, Rome has in *Fondo Gesuitico n.* 1384, two decrees of the Synod in Latin with long commentaries. The manuscript is said to be of the 17th century. We were not able to verify this.

([64]) ANTÃO, *op. cit.*, p. 173, Doc. XVIII.

(b) *Editions of the Acts in Latin*

The first edition of the acts in Latin was prepared by Raulin. We have already spoken about the manuscript he has used in making this translation ([65]). Raulin having come to know that an attempt was made earlier at translating the acts into Latin, tried to get at it and for this purpose wrote to Muratori. He replied, saying : " Utinam possem plura quam quae nosti suppeditare tibi de Synodo Diamperitana, ab Archiepiscopo Goensi de Meneze habita. Hispanicae ac Lusitanicae linguae libri perquam rari apud nos sunt ; ita ut ne integrum quidem concilium unquam legerim, eoque minus decernere possim an Latino fuerit donatum hactenus ; sed quando peregrinae hujus mercis, pauci in Italia conscii sunt, etiamsi ultra montes latine legeretur, certum tamen est te bene nobis meriturum, si versionem illius institutas atque in nostrum commodum evulges " ([66]). Thus frustrated in his effort at recovering the translation, Raulin made his own translation directly from the Portuguese text used by Gouvea. There is absolute conformity between Gouvea and Raulin, as far as a translation can go. Raulin annexed to his text elaborate notes and introductions. J. F. RAULIN, *Historia Ecclesiae Malabaricae cum Diamperitana Synodo*, Rome, 1745.

All the other Latin editions of the acts of the Synod have used Raulin's text. P. LABBEUS, in *Sacrosancta Concilia*, t. XXI, Venice, 1733, col. 1427-1430, incorporates a part of a letter of John Campori's which he took from A. POSSEVINUS, *Apparatus Sacer ad Scriptores Veteris et Novi Testamenti*, t. 1, Venice, 1606, p. 392-93. Possevinus calls the Council *Concilium Provinciale* (*ibid.*). But, by the time Mansi prepared his Supplement to Labbeus's collection, Raulin's edition was out, and so he inserted Raulin's text and foot-notes with a small introduction. J. D. MANSI, *Sanctorum Conciliorum et Decretorum Nova Collectio - Supplementum*, t. VI, Lucca, 1752, col. 1-207.

The same text is anastatically reproduced in MANSI, *Sacrorum Conciliorum Nova et Amplissima Collectio*, t. XXXV, Paris, 1902, col. 1161-1368.

Raulin's text and foot-notes are reprinted in *BPPA*, t. I, Lisbon, 1872, p. 147-368.

([65]) See § 3, a, iv, p. 201.

([66]) RAULIN, *op. cit.*, in *Elogia* immediately before p. 1. See also *Monitum ad lectores*, the beginning. Cfr. BELTRAMI, *op. cit.*, p. 124, note 83.

§ 5. *Italian Manuscript copies and editions of the Acts*

(a) *Italian manuscript copies of the Acts*

In the University Library of Genova, there is an Italian manuscript copy of the acts of the Synod of Diamper *MS*, A. V. 3. We were not able to examine it for ourselves, but, on the basis of information kindly furnished in a letter dated June 25, 1952, from Director, Mr. M. T. Escofier, we may give the following particulars. The manuscript does not mention the date when it was written. But we can more or less fix it from the date January 12, 1613 (f. 159v), put by the censor, *Fr. Joannes Petrus Grimaldus Carmelita D. Maria Transpontinae Regens et Angliae Provincialis*, who examined the manuscript in view of its intended publication. Thus the translation was made not long after Gouvea's edition. On f. 138 we find: " Joannes Baptista Draco Romanus scripsit ut supra continetur ". We are not in a position to identify the person. He might have been the translator or merely the scribe. The text is taken from Gouvea. The letter of the Bishop of Cochin, the Synod's reply and even the description of the Mass are found in the manuscript. Somebody later on added a covering folio, in which it is written, " M. Galvani pro bibliot. " and then below it we find the date 1664.

We know of another attempt to translate the acts of the Synod of Diamper into Italian; but this time from the Malayalam text. In connection with the story of *Fondo Vaticano Indiano*, n. 18, we have already said how a certain Discalced Carmelite Father, Stephen of SS. Peter and Paul, who had returned from Malabar, wanted to take with him to Venice in the year 1743, the above-said Malayalam codex to complete the Italian translation he had begun. We inquired at the Carmelite Monastery in Venice, but were not able to find any trace of the attempt.

(b) *Italian edition of the Acts*

Although the manuscript in the University Library of Genova, MS, A. V. 3, was censored, with its publication in view, we have never come across any reference to a printed copy ([67]).

([67]) ANTÃO, *op. cit.*, p. 115 says that Menezes in a letter dated 1614 directed to Gonfalonieri mentions Latin, French, Spanish and Italian versions of *Jornada*. ANTÃO does not give proper references.

§ 6. *French edition of the Acts*

The acts of the Synod have not been rendered into French; but *Jornada* has been: *Histoire Orientale des grands progrès del'Eglise Cath. Apost. & Rom. en la reduction des anciens chrétiens dits de S. Thomas et de plusieurs autres schismatiques & Heretiques á l'union de la vraye Eglise. Conversion encor de Mahometains, Mores & Payens par les bons devoirs du Rme. & Illustme. Sr. Don Alexis de Meneses, de l'Ordre des Eremites de S. Augustin, Archevesque de Goa, & Primat en tout l'orient composee en langue Portugaise par le R. P. F. Antoine Gouea et puis mise en espagnol par le venerable P. F. François Munoz et tournée en françois par F. Jean Baptiste de Glen, docteur en theologie, tous religieux du mesme ordre*, 1606. Some copies were printed in Brussels (R. Velpius), and others at Antwerp (H. Verdussen) (68). C. de Clercq says that this translation of a translation does not correspond fully with the original. The chapters are also differently numbered and C. de Clercq has given a concordance table (69). Similarly, Glen has incorporated the Latin translation of the Syriac Mass given in Gouvea, in another work: *La Messe des anciens chrétiens de Saint Thomas en l'évêché d'Angamalé, ès Indes orientales, repurgée des erreurs et blasphèmes du nestorianisme par ... Don Alexis de Menezes ... y prémise une remonstrance Catholique aux peuples du Pays-Bas, des fruits et utilités de la précédente histoire et de la messe subséquente*, Brussels, 1609 (70). But, to the best of our knowledge, the acts of the Synod as such were not rendered into French by Glen. As a matter of fact, no edition of the acts as such, as far as we could find out, has ever been made in French, although there are some exhaustive and detailed summaries. M. V. La Croze, *Histoire du Christianisme des Indes*, the Hague, 1724, has given a detailed description of the visitation of Menezes and the decrees of the Synod on p. 77-328. The book was reprinted in 1758. E. Tisserant, in his oft-quoted article in *DTC* has described all the important features of the visitation of Menezes and the decrees of the Synod (*DTC*, t. XIV, col. 3107-16 and passim where

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(68) R. Streit, *Bibliotheca Missionum*, t. V, p. 48, Cfr. also C. de Clercq, *Histoire des Conciles*, t. XI, p. 36, note 4.

(69) C. de Clercq, *loc. cit.*

(70) Cfr. E. Tisserant, *Syro-Malabare* (l'Eglise), in *DTC*, vol. XIV, col. 3161.

the church discipline and liturgy are described, col. 3149-61). C. De Clercq, in his work on the more recent Catholic Oriental Councils, gives a sufficiently detailed description of the Archbishop of Goa's visitation and of the decrees of the Synod (*op. cit.*, p. 36-67).

We may also note here that a description of Menezes' visit based on Glen, is found in SIMPLICIANO DE S. MARTIN, *Histoire de la vie du Glorieux S. Augustin*, Toulouse, 1641, in which there is an Appendix: *Histoire des grands progrès de l'Eglise Catholique en Orient par le soin, la peine et les charitables devoirs du Très Révérend et Très Illustre Seignor Dom Alexis de Menezes de l'ordre des Heremites de S. Augustin* ([71]).

§ 7. *Spanish edition of the Acts*

Although Muratori in his letter to Raulin has said: " Utinam possem plura quam quae nosti, suppeditare tibi de Synodo Diamperitana ... Hispanicae ac Lusitanicae linguae libri, perquam rari apud nos sunt ... " ([72]), we were unable to find any reference to a printed copy of the acts of the Synod in Spanish. Even the translation of Gouvea's *Jornada* by F. Muñoz ([73]) seems to have remained only in the manuscript stage ([74]).

§ 8. *German edition of the Acts*

In German we were able to find only a brief resume of the acts in W. GERMANN, *Die Kirche der Thomaschristen*, Gütersloh, 1877, p. 394-414. There is an useful chronicle of Menezes' visitation and of the happenings in Malabar on p. 388-94 ; 414-28.

§ 9. *English edition of the Acts*

In English, the acts were translated from the Portuguese of Gouvea, by M. Geddes and published together with an intro-

([71]) Cfr. R. STREIT, *Bibliotheca Missionum*, t. V, n. 48.
([72]) Cfr. RAULIN, *op. cit.*, *Elogia.*
([73]) Cfr. the work of Glen cited above.
([74]) STREIT, *Bibliotheca Missionum*, t. V, n. 110.

ductory history of the Malabar Church from the time of the arrival of the Portuguese : M. GEDDES, *The History of the Church of Malabar, from the time of its being first discovered by the " Portugueses " in the year* 1501, *giving an account of the persecutions and violent methods of the Roman prelates to reduce them to the subjection of the church of Rome together with the Synod of Diamper, celebrated in the year of Our Lord* 1599, London, 1694. The numbering of the pages is faulty. Pages are first numbered up to 109 ; then there are a few leaves without number, and the numbering is again resumed from 89 onwards where the acts of the Synod begin. The acts appear on p. 89-425. There is also a report of what happened immediately after the Synod, together with the letter of the Bishop of Cochin and the synodal reply. Of the Mass in use in Angamali, only the introductory notice is given. About Geddes' translation Hough says : " The acts and the decrees of the Synod published in English by Dr. Geddes are translated literally from the original Portuguese, with which he was well acquainted. He resided ten years in Lisbon, and had every facility at his command for the work he had undertaken. His capabilities for the task and his fidelity in the execution will not be questioned by any who shall take the pains to compare his performance with the original text " ([75]). And again he says : " Dr. Geddes' translation will be found faithful and perfectly to agree with the Latin translation of the decrees given in Raulin's *Historia Ecclesiae Malabaricae* " ([76]). In a footnote Hough adds : " He was chaplain to the English factory in that city [Lisbon] from the year 1678 to 1688 " ([77]).

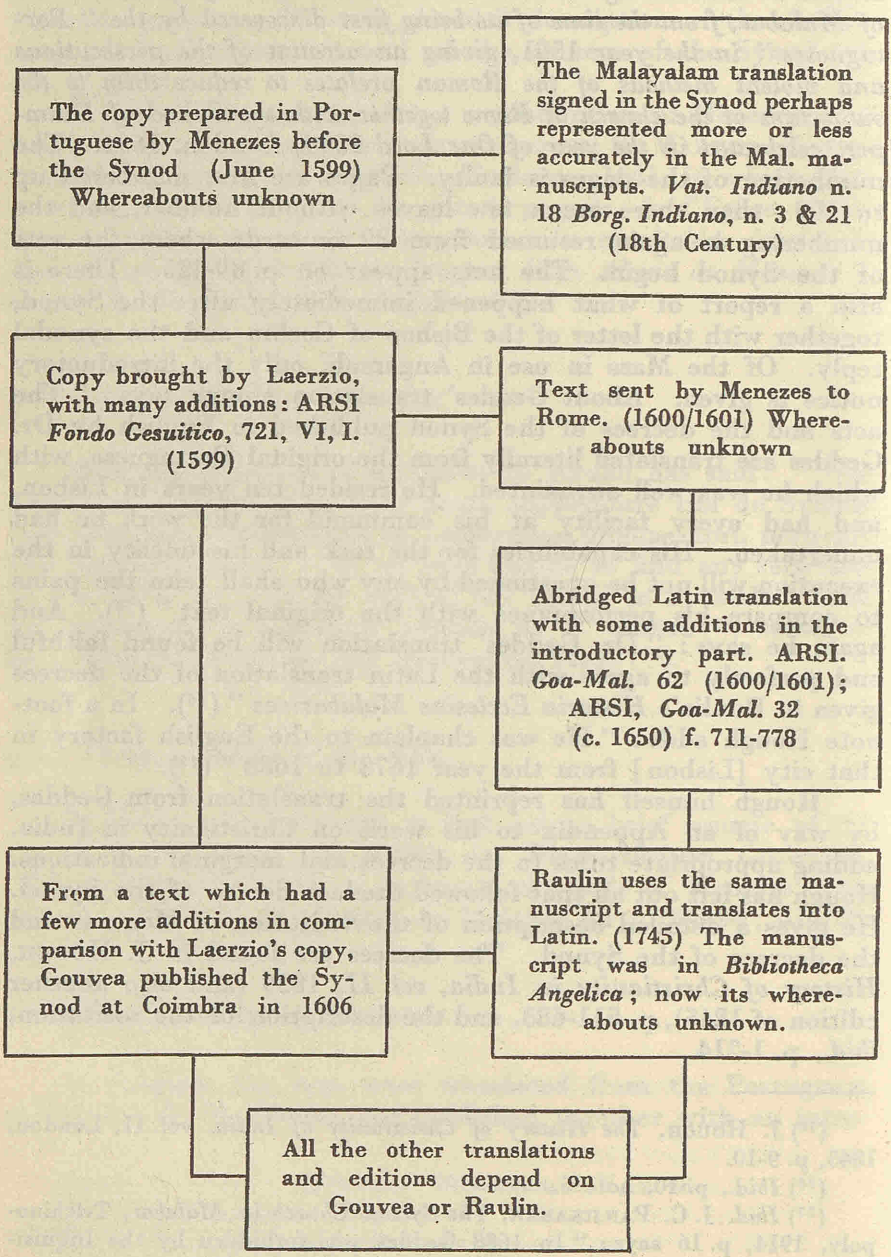
Hough himself has reprinted the translation from Geddes, by way of an Appendix to his work on Christianity in India, adding appropriate titles to the decrees and marginal indications. Hough has left out all that followed the last decree of the Synod. He gives a detailed description of the visitation of Menezes and the decrees of the Synod. The decrees are found in J. HOUGH, *History of Christianity in India, vol. II*, 1839 (and also another edition of 1845), p. 511-683, and the description of the visitation, *ibid.*, p. 1-214.

([75]) J. HOUGH, *The History of Christianity of India*, vol. II, London, 1845, p. 9-10.

([76]) *Ibid.*, p. 10, note 5.

([77]) *Ibid.* J. C. PANJIKARAN, *The Syrian Church in Malabar*, Trichinopoly, 1914, p. 16 says : " In 1688 Geddes was forbidden by the Inquisition to continue his work as Chaplain ".

§ *10 A Schematic view of the dependence of the manuscript copies and editions of the Acts.*



§ 11. *Some works of the Synod of Diamper*

We may indicate a few works of importance concerning the Synod, besides those already indicated in the Appendix.

I. General works :

1. Bernard of St. Thomas, *The Christians of St. Thomas* (Malayalam), vol. 11, Mannanam, 1921. Fr. Bernard is a pioneer writer among the St. Thomas Christians, who with the establishment of the Syro-Malabar Hierarchy, tried to review the history of the Malabar Church especially that of the Synod of Diamper, giving special attention to the tradition among the St. Thomas Christians.

2. Placid of St. Joseph, *Synodus Diamperitana Ejus Vis et Valor Canonicus*, 1939 (manuscript, a brief study presented to the S. Oriental Congregation).

3. Placid of St. Joseph, *Fontes Juris Canonici Syro-Malankarensium*, in *Codificatione Canonica Orientale*, *Fonti*, ser. II, fasc. IX, Rome, 1940.

4. Antão Gregório Magno, *De Synodi Diamperitanae Natura atque Decretis*, Goa, 1952. The author tries to defend the legitimacy of the Synod ; he also thinks that the Synod as such was approved by the Pope. The author has given some attention to the secular custom of the St. Thomas Christians, in dealing with the Synod.

5. J. F. Raulin, *Historia Ecclesiae Malabaricae cum Synodo Diamperitana*, Rome, 1745, contains many annotations on the acts of the Synod. He has tried to defend the Synod against the attacks of Protestant writers like La Croze and Geddes. He has also severely criticised Renaudot.

II. On questions of Liturgy :

1. E. Renaudot, *Liturgiarum Orientalium Collectio*, t. II, Paris, 1716, p. 300 ; 571-76 ; 602-11 ; where the author reproves many of the corrections introduced by Menezes.

2. P. Le Brun, *Explication de la Messe* ... t. III, Paris, 1726, p. 468-538 which is reproduced in *SBPP*, Allappe, 1903, p. 17-50.

3. R. H. Connolly, *The work of Menezes on the Malabar Liturgy*, in *Journal of Theological Studies*, t. XV, 1914, p. 396-425 ; 569-89 ; an additional note by Bishop Edmund is on p. 589-93.

4. J. M. Hanssens, *Institutiones Liturgicae de Ritibus Orientalibus*, t. II, Rome 1930, p. 389-93.

5. Placid of St. Joseph, *Ritus et Libri liturgici Syro-Malabarici*, Thevara, 1933.

6. Placid of St. Joseph, *Our Rite* (Malayalam), Mannamam, 1944.

7. H. W. Codrington, *The Malabar Liturgy and the Synod of Diamper*, in *The Eastern Church Quarterly*, Oct. 1935, p. 160-63.

8. N. Nilles, *Das Syro-Chaldäische Kirchenjahr der Thomaschristen*, in *Zeitschrift für Kathol. Theol.*, t. XX (1896), p. 726-39.

9. F. Nau, *Deux notices relatives au Malabar*, in *Revue de l'Orient chrétien*, t. XVII (1912), p. 85-87 (cfr. E. Tisserant, art., cit. col. 3153, 3157, 3160-61).

III. On the burning of Syriac manuscripts:

Chabot J. B., *L'autodafé des livres syriaques du Malabar*, in *Florilegium ou recueil de travaux d'érudition dédiés à M. le marquis Melchior de Vogüé à l'occasion du quatrevingtième anniversaire de sa naissance*, 18 *Oct.* 1909, Paris, 1909, p. 615-23.

IV. On interpretation of Oriental traditions:

J. S. Assemani, *Bibliotheca Orientalis*, t. III, par. II, *De Syris Nestorianis*, Rome, 1728, p. 391-406. He has defended the Synod of Diamper against the attacks of La Croze, at the same time pointing out cases where Menezes and his collaborators have gone wrong in interpreting Oriental traditions. Cfr. *ibid.*, p. 451.

Malayalam MSS. 1. *Fondo Vaticano Indiano*, n. 18 2. *Fondo Borgiano Indiano*, n. 3 3. *Fondo Borgiano Indiano*, n. 21 (Divisions into sections given in [ ] have been introduced by us for the sake of clarity.)	*Gouvea's Printed text* (Divisions into sections given in [ ] have been introduced by us for the sake of clarity.)		*Laerzio's MS.* ARSI, *Fondo Ges.* n. 721, VI, 1. (When the text agrees with Gouvea's, space below is left blank.)	*Latin MSS.* 1. ARSI, *Goa-Mal.* 62 2. ARSI, *Goa-Mal.* 32, f. 711-778 (When this abridged text agrees with Gouvea's, space below is left blank.)
Nil.	Convocatory Letter			
I Sitting - I Consultation: (*Introductory*)	Acção I.	(*Introductory Session*)		
Introduction	Introduction	Inaugural Speech		
Decree 1	Decree 1	The Scope of the Synod		
2	2	Continued presence of all obligatory		
3	3	No prejudice to other places by holding the Synod at Diamper		
4	4	Prayers for the success of the Synod		
5	5	Conventions proscribed during the Synod		
II Consultation: (*Profession of Faith*)	Acção II.	(*Profession of Faith*)		
Introduction	Decree 1	Admonition of Menezes		
Decree 1	2	Making of the Profession of Faith-Formula		
	3	Occasions of making Profession of Faith		
II Sitting. - II Consult: (*On Faith*)	Acção III.	(*On Faith*)		
Decree 1: Introduction	Decree 1: Introd.	Need of safeguarding the purity of faith		
Chap. 1	Chap. 1.	One and Triune God		
2	2.	Incarnation		
3	3.	Mary, Mother of God; real Passion & Resurrection of O. Lord		
4	4.	Christ, the Redeemer		
5	5.	Original sin		
6	6.	Punishment of actual and original sins		
7	7.	Purgatory		
8	8.	Resurrection of bodies etc.		
9	9.	Fall of angels		
10	10.	Intercession of Saints		
11	11.	Cult of images		

Malayalam MSS.		*Gouvea's printed text*	*Laerzio's MS.*	*Latin MSS.*
Nil	12.	Guardian Angel		
12.	13.	Roman Primacy		
13.	14.	Canon of the S. Scripture		
Decree 2.	Decree 2.	Portions missing in the Syriac Scripture to be added		
3.	3.	Passages to be corrected in the Syriac Scripture		
4.	4.	Transmigration, fate, salvation in other sects, condemned		
5.	5.	Meditation on the Passion of Christ commended		
Canon 6.	6.	Errors of Nestorians about O. Lady		
7.	7.	Laws of St. Thomas and of St. Peter one		
8.	8.	Rom. Pontiff alone Universal Pastor; Chald. Patriarch, heretic		
9.	9.	Other saints to be commemorated instead of Nestorian ones		
Nil.	10.	Dedication of the church at Angamali changed		
10.	11.	Alterations in the Apostles Creed		
11.	12.	About children in Hindu schools		
12.	13.	Hindu deities kept for Hindus by Christian schoolmasters		
13.	14.	Nestorian books		
14.	15.	Errors in the Divine Office		
15.	16.	All Syriac books to be handed over for correction		
Nil.	17.	Licence for preaching		
16.	18.	All priests to recant errors publicly		
Nil.	19.	All oaths against Roman Church void		
17.	20.	Acceptance of the Council of Ephesus		
18.	21.	Acceptance of the Council of Trent		
19.	22.	Subjection to the Inquisition		
20.	23.	Punishment for deliquents in matters of faith		

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
II CONSULT: (*On Baptism, Confirm. & Euch.*)	Acção IV	(*On Baptism & Confirmation*)		
Introduction on 7 Sacraments	Introduction	General doctrine about the seven Sacraments		
[*Sec. I: On Baptism*].	[*Sec. I: On Baptism*]			
Introduction	Introduction	General doctrine on Baptism.		
Nil.	Decree 1.	Form of Baptism		
Nil.	2.	Who are to be rebaptized		
Nil.	3.	Baptism to be administered without fees		
Nil.	4.	Those in remote places to be baptized		
Canon 1	5.	Baptism within 8 days after birth		
2	6.	Children of excommunicated parents to be baptized.		
7	7.	Emergency baptism		
8	8.	Midwives to be instructed about emergency baptism.		
10	9.	Infidel slaves to be baptised		
Nil.	10.	Christians not to be sold to infidels for slaves		
6	11.	Children abandoned by Hindus to be cared for		
Nil.	12.	Exposed children.		
5	13.	Instructions for catechumens.		
3	14.	Use of Holy Oils		
4	15.	God-parents		
9	16.	Old Testament names not to be given		
Nil.	17.	Children to be called by their Christian names		
11	18.	Order of baptism when many are to be baptized		
12	19.	Baptismal font.		
13	20.	Baptismal register.		
[*Sec. II: On Confirmation*].	[*Sec. II: On Confirmation*].			
Introduction	Introduction	General doctrine on Confirmation.		*Nil.*
Canon 1	Decree 1.	All to be confirmed		
2	2.	Punishment for those who resist.		
3	3.	God-parents		
	Acção V	(*On Eucharist and Holy Mass*)		
[*Sec. III: On Eucharist.*]	[*Sec. I: On Eucharist*]			

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
Introduction	Introduction	General doctrine on the Sacrament of Eucharist		
Canon 1	Decree 1	Feast of Corpus Christi.		
2	2	Obligation to receive Communion once a year		
3	3	Necessity of Confession before Communion		
	4	Eucharistic fasting		
4	5	Viaticum		
5	6	Pregnant women to receive Communion in time		
6	7	Non-celebrating priests to receive Communion once a month		
7	8	Necessity of Confession for priests		
8	9	Deacons and Sub-deacons when to receive Communion		
IV Sitting : (*On H. Mass, Penance & E. Unct*)				
[*Sec. I : On H. Mass.*]	[*Sec. II: On H. Mass*]			
Introduction	Introduction	General doctrine on Holy Mass		
Canon 1 (See text elsewhere)	Decree 1	Corrections to be made in the Syriac Mass. (There are 42 paragraphs, of which, excluding the introductory one, the remaining 41 contain as many corrections to be incorporated in the text of the Syriac Mass.)	(There are only 20 paragraphs in Laerzio's Manuscript. See the text elsewhere. First numbers indicate paras of Laerzio's MS; the second, Gouvea's: 1=1; 2=2; 3=3; 4=4; 5=5; 6=6; 7=7;8=8-9; 9=21; 10=22; 11=24; 12=28; 13=29; 14=30; 15=35; 16=34, 17=35; 16=34; 17=35; 18=39; 19=40; 20=42)	(Here also the same paragraphs are absent as in Laerzio's copy. See the text elsewhere).
Canon 1 end	Decree 2	Anaphorae of Nestorian Saints to be destroyed		Decree 2

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
3	3	Ceremony of soaking the Host with Consecrated wine condemned		
2	4	Latin Mass to be translated into Syriac		3
4	5	Who are to handle the Holy Vessels		4
5	6	Stole to be used only by Deacons		5
Nil.	7	Stamp-press for making hosts		6
Nil.	8	Wine for Holy Mass		7
Nil.	9	Provision for mass wine from Portugal		
Nil.	10	Altar stones to be consecrated by Menezes		
Nil.	11	Vestments		8
6	12	Obligation of hearing Mass on Sundays and feast days		9
7	13	Defaulters when to be excommunicated		10
Nil.	14	Hindu musicians to leave church after Creed		11
8	*Nil.*	(See Acção VIII, Decree 4)		
9	15	Masses to be offered for the dead		12
[*Sec. II: On Penance*]	Accão VI	*On Penance and Extreme Unction*)		
Introduction	[*Sec.* I: *On Penance*]			
Canon 1	Introduction	General doctrine on Penance		*Nil.*
2	Decree 1	Obligation of confessing sins once a year		1
3	2	Obligation generally begins at the age of eight		
4	3	Masters of families urged to enforce the custom		2
6	4	Confession at the hour of death or grave sickness		
5	5	Obligation for pregnant women to confess sins		3
Nil.	6	How small-pox cases are to be confessed		
7	7	Exhortation for frequent Confession		4
8	8	Authorization necessary for priests to hear Confessions		
9	9	Absolution of reserved cases and censures		5
10	10	Cases reserved in the diocese		
11	11	When to give excommunication and when absolution		6
12	12	Written licence for priests to hear Confession		7
Nil.	13	Service of confessors from other dioceses		
13	14	Priest hearing Confession must himself give absolution		8
	15	The form of absolution		

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
[*Sec. III: On E. Unction*] .	[*Sec. II: On E. Unction*]	.....	.....	.....
Introduction	Introduction	General doctrine on Extreme Unction.....	.....	*Nil.*.....
Canon 1.....	Decree 1.....	Use of E. Unction recommended.....	.....	..... 1.....
2.....	..... 2.....	Confessors to instruct sick persons about it.....	.....	..... 2.....
3.....	..... 3.....	Manner of administration.....	.....	..... 3.....
Sit. - V Consult: (*On H. Order & Matrim.*)	Acção VII	(*On Holy Orders & Matrimony*).....	.....	.....
[*Sec. I: On H. Orders*]	[*Sec. I: On H. Orders*]	.....	.....	.....
Introduction	Introduction	General doctrine on Holy Orders.....	.....	*Nil.*.....
1.....	Decree 1.....	Requisites for candidates	.....	..... 1.....
2.....	..... 2.....	Simoniacally ordained dispensed from censures.	.....	..... 2.....
3.....	..... 3.....	Leprous priests not to celebrate.....	.....	} ..... 3.....
4.....	..... 4.....	Those who refuse *casture* to others not to celebrate	.....	
5.....	..... 5.....	Divine Office or substitute prayers obligatory.....	.....	..... 4.....
Nil......	..... 6.....	Athanasian Creed to be translated into Syriac for clergy	.....	..... 5.....
Nil......	..... 7.....	All clerics to be present for the Divine Office.....	.....	} ..... 6.....
6.....	..... 8.....	Emoluments to be deducted in case of absence.....	.....	
Nil......	..... 9.....	Exorcisms as in Roman Church, not from *Parsiman*	.....	..... 7.....
7.....	..... 10.....	Superstitious practices condemned.....	.....	..... 8.....
Nil......	..... 11.....	Priests not to dine with infidels.....	.....	..... 9.....
8.....	*Nil.*			
9.....	..... 12.....	Dress of priests.	.....	..... 10.....
10.....	..... 13.....	Clergy not to meddle in secular affairs.....	.....	} ..... 11.....
Nil......	..... 14.....	Tonsure	.....	
Nil......	..... 15.....	Clerics not to be in the service of kings as soldiers..	*Nil.*.....	*Nil.*.....
11.....	16.....	Nature of the celibacy of priests.....	15.....	12.....
12.....	..... 17.....	Invalidly married priests to officiate only after separation.....	.....16.....	..... 13.....
Nil......	..... 18.....	Wives of priests to receive privileges only on separation	.....17.....	..... 14.....
Nil......	..... 19.....	When can priests who are sons of priests officiate....	.....18.....	..... 15.....
13.....	..... 20.....	Simony condemned.	.....19.....	..... 16.....

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
14	21	Provision for support of Priests	20	17
15	22	Subsidy from the King of Portugal	21	
16	*Nil.*	(See Acção IX, Decree 4)		18
17	23	None to be ordained during the vacancy of the See	22	19
[*Sec. II: On Matrimony*]	[*Sec. II: On Matrimony*]			
Introduction	Introduction	General doctrine on Matrimony		
Canon 1	Decree 1	Tridentine form obligatory.		*Nil.*
2	2	Mode of expressing consent		1
3	3	Banns.		
4	4	Marriage Register.		2
5	5	Couples to receive Communion; marriages to be held in church		3
6	6	Prohibited degrees of consanguinity and affinity		
7	7	Spiritual affinity		4
8	8	Dispensation for marriages within prohibited degrees		
9	9	Time for solemnizing marriages		5
10	10	Age required for valid marriage		6
11	11	Separation only with the sanction of the Church		7
12	12	Marriage of slaves etc. to conform to the Council of Trent.		8
				9
13	13	Polygamy condemned		
14	14	Superstitious ceremonies condemned		10
15	15	Heathen ceremonies condemned		11
16	16	Jewish ceremonies condemned.		
VI Sit. - VI Consult: (*On Duties of Laymen*)	Acção VIII	(*On Reformation of Church Administration*)		12
(Given as VII Sit. - VII Consult.)				
Canon 1	Decree 1	Diocese divided into parishes		
2	2	Bishop's authority to divide and unite parishes		1
3	3	Priests not to receive emoluments from more than one church		2
4 (See IV Sit. I Sec. Dec. 8)	4	No parochial church to be without resident priest		3
				4

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
Nil.	5.	Christians living in remote places to be cared for.		5.
5.	6.	Christians in Travancore to be cared for.		6.
6.	7.	Christians in Todamala to be cared for.		
7.	8.	Three vessels for Holy Oils.		7.
8.	9.	Days of obligation		8.
9.	10.	Fasting days of obligation		9 (written 8)
Nil. (See. VII. Sit. Dec. 11).	11.	Manner of observing lent		10.
Nil. (See. VII. Sit. Dec. 12).	12.	How far fasting is obligatory.		11.
Nil.	13.	Ceremonious ablutions condemned.		
11.	14.	Ash-Wednesday introduced.		12.
12.	15.	No meat on Saturdays under mortal sin.		13.
16.	16.	Obligation of abstinence from midnight to midnight		
10.	17.	How Holy Water is to be blessed; old usage to be stopped		14.
13.	18.	Teaching catechism to boys and girls.		15.
14.	19.	The wording of Hail Mary.		16.
15.	20.	Bowing at the name of Jesus.		
17.	21.	*Sapra*, Procession and three masses for Christmas.		17.
18.	22.	Use of surplice & stole in administering sacraments		
Nil.	23.	Procession on February 2 & three days preceding Ascension.		18.
Nil.	24.	No work on Sundays.		19.
19.	25.	Churches of Mar Xabro & Prodh to be rededicated to All Saints		20.
20.	26.	Poor boxes in churches and distribution of palms.		21.
22.	27.	Appointment of sacristans		*Nil.*
23.				
Nil.	28.	Chests with locks to keep church ornaments.		22.
21.	29.	Images to be set up in the churches.		23.
24.	30.	Churches to be blessed again if violated.		24.
25.	31.	Sick persons not to lie in the churches.		
26.	32.	Dead to be buried by priests in cemeteries.		25.
Nil.	33.	Manner of burying those who die of small-pox.		

Malayalam MSS.	*Gouvea's printed text*			*Laerzio's MS*	*Latin MSS.*
27		34	Dedication of churches not to be changed		26
29		35	Conversion of gentiles		27
Nil.		36	Low castes also to be received into the Church		28
30		37	To make the sign of the Cross from left to right		29
28		38	Execution of wills belong to the Bishop		30
31		39	All except excommunicated etc. to be given church burial		31
32		40	Faculty for Jesuits of Vaipicotta to preach and confess		32
33		41	Laws for Goa applicable here; right of appeal to Metropolitan		33
VII Sit. - VII Consult: (*On Customs*)	Acção	IX	(*On Reformation of Customs*)		
Canon 1	Decree	1	Superstitious ceremonies condemned		1
2		2	What is superstition and what is not		2
3		3	Defiling of wells by low castes		
Nil.		4	Celebration of *Onam*		3
4		5	Women not to keep away from the church after childbirth		4
5		6	Witchcraft and fortune telling condemned		5
6		7	Superstitious ritual sacrifices condemned		
Nil.		8	Witchcraft for diseases and harvest condemned		6
		9	Lawful rate of interest settled		7
7		10	Usury condemned		8
8		11	Concubinage condemned		9
10		12	Responsibility of the master of family		10
11	*Nil.*		(See Acção VIII, Dec. 11)		
12	*Nil.*		(See Acção VIII, Dec. 12)		
Nil.		13	Children not to be sold		11
Nil (See V Sit. Can. 16)		14	Custom of giving $^1/_{10}$th of dowry to church to be made general		12
Nil.		15	Dispute among Christians to be settled by the Bishop		13
13		16	Not to make use of ordeals for trial of innocence		14

Malayalam MSS.	*Gouvea's printed text*		*Laerzio's MS*	*Latin MSS.*
14	17	Men not to bore ear-lobes to distinguish themselves from Hindus		15
16	18	Liquor not to be sold in Christian inns		
17	19	Standard weights to be used in merchandize		16
15	20	Females to inherit in absence of male issue		17
Nil.	21	Children to be adopted only in absence of natural ones	*Nil.*	*Nil.*
Nil.	22	Adoption becomes invalid when natural heir is born	*Nil.*	*Nil.*
9	23	Christians to live together in villages	Dec. 21	18
18	24	Church under the protection of the King of Portugal	22	19
19	25	Decrees to be copied and read in churches on Syndays etc.	23	20
Description of afterevents (Numbers indicate sequence)		Description of afterevents (Numbers indicate sequence)		
[1]	[1]	After the reading of decrees, diocese is divided into parishes, vicars are named, letters-patent given		*Nil*
[4]	[2]	Discourse to the newly appointed vicars repeating many of the decisions of the Synod		*Nil*
[2]	[3a]	All sign the decrees after clearing some doubts		*Nil*
Nil	[3b]	Menezes signs the decrees in pontificals; then all the others sign		
[6]	[4]	Number of persons attending the Synod		
[3a]	[5]	*Te Deum* & Procession		*Nil*
[3b], Fear of rain	Nil	(See *Jornada*, f. 71)		*Nil*
[5a] & [10a]	[6a]	After processions, the prayer, »Exaudi quaesumus Domine«		*Nil*
Nil	[6b]	Discourse to the people by Menezes		*Nil*
[5b] & [10b	[6c]	Solemn blessing of the people by Menezes		*Nil*
[5c] & [10c]	[6d]	»Let us depart in peace« said by the Archdeacon		*Nil*
[5d] & [10d]	[6e]	People reply: »In the name of Christ«		*Nil*
[5e] & [10e]	[6f]	Date of the closing of the Synod		*Nil*
[7]	[7]	Things given to each priest		*Nil*
[8]	[8]	All controversies decided and all depart in peace		*Nil*
[9]	[9]	General description of Menezes' visit to the churches after the Synod		*Nil*
Nil	[10]	Letter of the Bishop of Cochin to the Synod		*Nil*
Nil	[11]	The Synod's reply to the Bishop of Cochin		*Nil*
Nil	[12]	Notes on the Syriac Mass	*Nil*	*Nil*

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ALPHABETICAL INDEX FOR THE ACTS OF THE SYNOD OF DIAMPER

(The index is not intended to be detailed or complete. It is made only with the intention of helping one to find his way through the acts with less difficulty. References are given to the *Sessions* (in Roman Characters, I, II etc.), *Sub-sections* of the sessions (in Italicized Roman Characters, *I*, *II*), *Decrees* (in Arabic Numerals, 1, 2, etc.) and *Chapters* (in Arabic Numerals enclosed in brackets, (1), (2) etc.). All the editions of the acts follow the same divisions. It is, however, to be noted that in none of the editions the sub-sections are numbered; we have introduced this numbering for the sake of clarity and for facility of reference. It may be also remarked here that only Sessions IV, V, VI, VII are each divided into two subsections and only one Decree (Session III, decree 1) is further subdivided into chapters).

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The late Bishop [illegible] (formerly T.O.C.D.) was born on December 21, 1919, at Puthenpally, Kerala, India. He joined the CMI Congregation and took the first vows in 1937 and was ordained priest in 1946. In 1952 he took doctorate in Canon Law from the Gregorian University, Rome. The theme of the doctoral dissertation was 'The Synod of Diamper', the validity of which was controversial among the canonists and students of history for centuries. The adventurous spirit and inquisitive mind of Bishop Jonas prompted him to take up this controversial issue. By a systematic and a critical research he could prove the invalidity of the Synod beyond doubt. This doctoral work is among the pioneering works that led to the renaissance of the Syro-Malabar Church in recent history. And this study was published as No. 152 of Orientalia Christiana Analecta, in 1958.

The reprint of the classical work of Bishop Jonas becomes relevant and important, especially this year 1999, being the fourth centenary of the Synod of Diamper.

As a scholar, organizer and administrator, Bishop Mar Jonas' contribution both to the CMI Congregation and to the Church in India is unique. He was the visionary, architect and founder of Dharmaram College, which he also served as Rector. He was the Deputy Secretary General of the Catholic Bishops' Conference of India (CBCI) and the first bishop of Rajkot, India, from 1977 to 1981. Bishop Mar Jonas Thaliath was an indefatigable advocate who championed the cause of greater autonomy for the Oriental *"Sui Juris"* Churches in India. He died on November 7, 1981.

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