

# BOLETIN ECLESIASTICO DE FILIPINAS

ORGANO OFICIAL INTERDIOCESANO EDITADO MENSUALMENTE  
 POR LA UNIVERSIDAD DE SANTO TOMAS, MANILA, FILIPINAS.  
*Registrado como correspondencia de 2ª clase el 21 de Junio de 1946.*

R. P. EXCELSO GARCÍA, O.P.      R. P. FLORENCIO TESTERA, O.P.  
*Director      Administrador*

Direc. Postal: Boletín Eclesiástico, Univ. de Sto. Tomás, Manila, Filipinas

Vol. XXXV, No. 399      Octubre, 1961      Año XXXIX

## ENCYCLICAL LETTER

TO OUR VENERABLE BRETHREN,  
 THE PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS,  
 AND OTHER ORDINARIES

IN PEACE AND COMMUNION WITH THE APOSTOLIC SEE,  
 AND TO ALL THE CLERGY AND FAITHFUL OF THE CATHOLIC WORLD.

### POPE JOHN XXIII

VENERABLE BRETHREN AND DEAR SONS:  
 HEALTH AND APOSTOLIC BENEDICTION.

**MOTHER AND TEACHER** of all nations, the Universal Church has been instituted by Jesus Christ so that all who in the long course of centuries come to her loving embrace may find fullness of higher life and a guidance of salvation.

To this Church, "the pillar and ground of truth,"<sup>1</sup> her most Holy Founder has entrusted the double task of begetting children and of educating and governing them, guiding with Maternal Providence the life both of individuals and of peoples, the dignity of which she has always held in the highest respect and guarded with watchful care.

Christianity is truly a joining together of earth with heaven in that it takes man concretely, spirit and matter, intellect and will, and invites him to raise his mind above the changing con-

ditions of earthly existence to the heights of eternal life which will be consummated in unending happiness and peace.

Hence, although the Holy Church has the special task of sanctifying souls and making them participants in goods of supernatural order, she is also solicitous for the exigencies of the daily life of men, not merely those concerning the nourishment of the body and the material conditions of life, but also those that concern prosperity and culture in all its many aspects and stages.

In this activity the Church is carrying out the command of her Founder, Christ, who refers primarily to man's eternal salvation when He says "I am the way, and the truth, and the life"<sup>2</sup> and "I am the light of the world."<sup>3</sup> On other occasions, however, seeing the hungry crowd he was moved to exclaim "I have compassion on this multitude"<sup>4</sup> thereby showing that He was also concerned about the earthly needs of men. The Divine Redeemer shows this care not only by His words but also by the actions of His life, as when to alleviate the hunger of the crowd He several times miraculously multiplied bread. By means of this bread given for the nourishment of the body, He wished to preannounce that heavenly food of the soul, which He was to give to men on the vigil of His Passion.

It is no wonder, then, that the Church in imitation of Christ and in fulfillment of His command, has for two thousand years, from the institution of early Deacons to the present time, held aloft the torch of charity by her teaching and her generous example, that charity which, by harmoniously blending together the precepts and the practice of mutual love, puts into effect in a wonderful way the commandment of the twofold giving by word and by deed in which is summarized the social teaching and activity of the Church.

An outstanding instance of this teaching and action carried on by the Church throughout the ages is undoubtedly the immortal encyclical "*Rerum Novarum*,"<sup>5</sup> issued seventy years ago by Our Predecessor Leo XIII of happy memory to enunciate the

principles according to which the question of the worker could be settled in a Christian manner.

Seldom have the words of a Pontiff had such universal repercussions on account of the profundity of the arguments used, their scope and incisiveness. Indeed these directives and appeals have had such importance that they can never fall into oblivion. A new path was opened for the action of the Church, whose Supreme Pastor, by making His own the sufferings, cries and aspirations of the lowly and oppressed, once again constituted Himself the guardian of their rights.

Even today, in spite of the long lapse of time, the power of that Message is still operative in the documents of the Popes who succeeded Leo XIII and who, in their social teaching, repeatedly return to the Leonine Encyclical, at one time to draw inspiration from it, at another to clarify its application, but always to find in it a stimulus to Catholic activity. That power is also operative in the legislation itself of nations. This is a sign that the solidly grounded principles, the historical directives and the paternal appeals contained in the masterly Encyclical of Our Predecessor preserve today their value and even suggest new and vital criteria so that men can judge the nature and extent of the social question as it presents itself today and can face up to their respective responsibilities.

## PART I

### THE TEACHING OF THE ENCYCLICAL "RERUM NOVARUM" AND OPPORTUNE DEVELOPMENTS IN THE DOCTRINE OF PIUS XI AND PIUS XII:

#### The Period of the Encyclical "Rerum Novarum"

Leo XIII spoke in a time of radical transformations, of heightened contrasts and of bitter revolt. The shadows cast by that period enable us to appreciate more accurately the light that radiated from his teaching.

As is well known, the conception of the economic world that was most widely accepted at that time and very largely carried out in practice, was a naturalistic one that denied any relation between economic activity and morality. It was alleged that the only motive of economic action was personal profit. The supreme rule regulating the relations between economic agents was free competition without limit. Interest on capital, prices of goods and services, profits and wages, were determined purely and mechanically by the laws of the market. The state, it was held, should refrain from all intervention in the economic field. Trade unions, according to the conditions of the different countries, were either forbidden, tolerated or considered to have legal personality in private law.

In an economic world thus constituted, the law of the strongest was fully justified on theoretical grounds, and in practice governed the concrete relations between men. There, thus, resulted an economic order that was radically deranged.

While enormous riches accumulated in the hands of a few, the working classes found themselves in conditions of increasing hardship. Wages were insufficient or at starvation level, conditions of work were oppressive and without respect for physical health, moral behavior and religious faith. Especially inhuman were the working conditions to which children and women were subjected. The spectre of unemployment was ever present and the family was exposed to a process of disintegration.

Hence, there was wide-spread dissatisfaction among the working classes, among whom a spirit of protest and revolt permeated and grew stronger. All these things explain why, among these classes, extremist theories that propounded remedies worse than the evil to be cured, found wide-spread favor.

### **The Way of Reconstruction**

In such difficult times, it was for Leo XIII to proclaim his social message based on the nature itself of man and animated by the principles and spirit of the Gospel, a message that on



its very appearance, in spite of some understandable opposition, aroused widespread admiration and enthusiasm.

This was certainly not the first time that the Apostolic See descended into the arena of earthly interest in defense of the needy. Other documents of Leo XIII had previously marked out the path, but here was formulated an organic synthesis of principles joined to such a wide historical perspective that the encyclical "*Rerum Novarum*" became a summary of Catholicism in the economic-social field.

This action was not without hazard, because while some alleged that the Church, face to face with the social question, should confine herself to preaching resignation to the poor and to exhorting the rich to generosity, Leo XIII did not hesitate to proclaim and defend the legitimate rights of the worker.

At the outset of his exposition of Catholic teaching on social matters, he solemnly declared: "We approach the subject with confidence and in the exercise of the rights which belong to Us. For no practical solution of this question will ever be found without the assistance of Religion and the Church."<sup>6</sup>

To You, Venerable Brethren, are well known those basic principles, expounded with as much authority as clarity by the immortal Pontiff, according to which the economic-social sector of human society should be reconstituted.

They first and foremost concern work which ought to be valued and treated not just as a commodity but as an expression of the human person. For the great majority of mankind, work is the only source from which they draw means of livelihood and so its remuneration cannot be left to the mechanical play of market forces. Instead, it should be determined by justice and equity, which otherwise would be profoundly harmed even if the contract of work should have been freely entered into by both parties. Private property, including that of productive goods, is a natural right which the State cannot suppress. Embedded within it, is a social function, and it is thus, a right that is exercised for one's personal benefit and for the good of others.

The state, the reason for whose existence is the realization of the common good in the temporal order, cannot keep aloof from the economic world. It should be present to promote in a suitable manner the production of a sufficient supply of material goods, "the use of which is necessary for the practice of virtue,"<sup>7</sup> and to watch over the rights of all citizens, especially of the weaker, such as workers, women and children. It is also its ineluctable task to contribute actively to the betterment of the condition of life of the workers.

It is further the duty of the State to secure that work relations be regulated according to justice and equity and that in the environment of work the dignity of the human being be not violated in body or spirit. On this point attention is drawn to the guiding lines of the Leonine Encyclical on which the social legislation of modern Nations has been patterned, and which, as Pius XI already noted in the encyclical "*Quadragesimo Anno*,"<sup>8</sup> have contributed efficaciously to the rise and development of a new and most desirable branch of jurisprudence, namely Labor Law.

In the Encyclical the right of the workers alone or of groups made up of workers and owners to associate, is declared to be natural, as are also the right to adopt that organizational structure which the workers consider most suitable to attain their legitimate economic-professional interests, and the right to act autonomously and by personal initiative within the associations for the achievement of these ends.

Workers and employers should regulate their mutual relations under the inspiration of the principle of human solidarity and Christian brotherhood, because both competition in the liberal sense and the class struggle in the Marxist sense are contrary to nature and the Christian conception of life. These, Venerable Brethren, are the fundamental principles on which a healthy economic-social order can be built.

It is not surprising, therefore, that the more ably endowed Catholics, responsive to the appeals of the Encyclical, began

many activities in order to translate these principles into reality. Indeed, under the impulse of objective needs of a similar nature, men of good will from all the nations of the earth were also moved to act in a similar manner. For these reasons, the Encyclical was rightly acknowledged as the Magna Charta<sup>9</sup> of the economic-social reconstruction of the modern era.

### The Encyclical "Quadragesimo Anno"

Pius XI, Our Predecessor of holy memory, after a lapse of forty years commemorated the Encyclical "*Rerum Novarum*" with another solemn document, the Encyclical "*Quadragesimo Anno*."<sup>10</sup>

In it the Supreme Pontiff confirmed the right and duty of the Church to make its irreplaceable contribution to the correct solution of the pressing and grave problems that beset the human family. He confirms the fundamental principles and the historic directives of the Leonine Encyclical. In addition, he took the opportunity to make more precise some points of that teaching on which even among Catholics some doubts had arisen, and to reformulate Christian social thought in response to the changed conditions of the times. The doubts that had thus arisen concerned particularly private property, the wage system, and the attitude of Catholics towards this type of moderate socialism.

Concerning private property, Our Predecessor reaffirms its natural law character and emphasizes its social aspect with its corresponding function.

Turning to the wage system, he rejects the view that would declare it unjust by its very nature; but, at the same time, he condemns the inhuman and unjust forms under which it is often found. He repeats and enlarges upon the criteria to be used and the conditions to be satisfied if the wage system is not to violate justice or equity.

On this point, Our Predecessor clearly points out that, in the present circumstances, it is advisable that the contract of work be modified by elements taken from the contract of part-

nership, in such a way that "the wage earners are made sharers in some sort in the ownership, or the management, or the profits."<sup>11</sup>

Of the greatest doctrinal and practical importance is his affirmation that "if the social and individual character of labor be overlooked, it can be neither equitably appraised nor properly recompensed according to strict justice."<sup>12</sup>

Hence, the Pope declares that, in determining wages, justice required that, in addition to the needs of the individual workers and their family responsibilities, one should also consider both the conditions in the productive organizations in which the workers carry on their labor and the demands of "the public economic good."<sup>13</sup>

He emphasized that the opposition between Communism and Christianity is fundamental, and makes it clear that Catholics are in no way permitted to be supporters of moderate socialism because its concept of life is bounded by time, inasmuch as it places its supreme objective in the welfare of society, and either because it proposes a form of social structure that aims solely at production, thus causing grave loss to human liberty, or because it lacks every principle of true social authority.

Pius XI was not unaware that, in the forty years that had passed since the appearance of the Leonine Encyclical, historical conditions had profoundly altered. In fact, free competition, due to its own intrinsic tendencies, had ended in almost destroying itself. It had caused a great accumulation of wealth and a corresponding concentration of economic power in the hands of a few who "are frequently not the owners, but only the trustees and directors of invested funds, who administer them at their good pleasure."<sup>14</sup>

Therefore, as the Pope discerningly notes, "free competition is dead; economic dictatorship has taken its place. Unbridled ambition for domination has succeeded the desire for gain; the whole economic life has become hard, cruel, and relentless in a ghastly measure,"<sup>15</sup> thus subjecting the public authority to the

interests of groups and issuing forth in international imperialism in financial affairs.

To remedy such a state of affairs, the Pope points out as fundamental the reinstatement of the economic world in the moral order and the striving for individual or group interests within the framework of the common good. This implied, according to his teaching, the reconstruction of human society by the reconstituting of intermediate bodies autonomous in their economic-professional finality, not imposed by the State, but created by the respective members. Public authority should resume its duties of promoting the common good of all. Finally, there should be cooperation on a world scale even in economic matters among the nations.

The fundamental points that characterize the masterly Encyclical of Pius XI can be reduced to two.

The first is that one cannot take as the supreme criterion of economic activities and institutions the interest of individuals or of groups, nor free competition or economic power, nor the prestige or power of the nation, nor other similar criteria.

Instead, the supreme criterion of such activities and institutions are justice and social charity.

The second is that men should strive to achieve a national and international juridical order, with a complexus of public and private permanent institutions, inspired by social justice, and to which the economic sector should be conformed, thus making it less difficult for economic agents to carry out their tasks in conformity to the demands of justice and within the framework of the common good.

#### **Radio Message of Pentecost 1941**

In defining and developing the Christian social doctrine great contributions have been made by Pope Pius XII, Our Predecessor of venerable memory, who on the Feast of Pentecost, June 1, 1941, broadcast a message "in order to call to the at-



tention of the Catholic world a memory worthy of being written in letters of gold on the Calendar of the Church: the fiftieth anniversary of the publication of the epoch-making social Encyclical of Leo XIII the "*Rerum Novarum*" <sup>61</sup>. . . and "to render to Almighty God from the bottom of Our heart, Our humble thanks for the gift which. . . He bestowed on the Church in that Encyclical of His Vicar on earth and to praise Him for the life-giving breath of the Spirit which through it, in ever growing measure from that time on, has blown on all mankind."<sup>17</sup>

In the Radio Message the great Pontiff claims for the Church "the indisputable competence" to "decide whether the bases of a given social system are in accord with the unchangeable order which God our Creator and Redeemer has shown us through the Natural Law and Revelation."<sup>18</sup>

He confirms the perennial vitality and inexhaustible richness of the teachings of the Encyclical "*Rerum Novarum*." He takes the occasion "to give some further directive moral principles on three fundamental values of social and economic life. These three fundamental values, which are closely connected one with the other, mutually complementary and dependent, are: the use of material goods, labor and the family."<sup>19</sup>

Concerning the use of material goods, Our Predecessor declares that the right of every man to use them for his own sustenance is prior to every other right of economic import and so is prior to the right to property. Undoubtedly, adds Our Predecessor, the right to property in material goods is also a natural right. Nevertheless, in the objective order established by God, the right to property should be so arranged that it is not an obstacle to the satisfaction of "the unquestionable need that the goods, which were created by God for all men, should flow equally to all, according to the principles of justice and charity."<sup>20</sup>

Taking up a point that occurs in the Leonine Encyclical, Pius XII declares that work is at one and the same time a duty and a right of every human being. Consequently, it is for men in the first place to regulate their mutual relations of work.

Only in the event that the interested parties do not or cannot fulfill their functions, does "it fall back on the State to intervene in the field of labor and in the division and distribution of work according to the form and measure that the common good properly understood demands."<sup>21</sup>

In dealing with the family the Supreme Pontiff affirms that private property of material goods is also considered as being linked with "the existence and development" of the family, that is to say, an apt means "to secure for the father of a family, the healthy liberty he needs in order to fulfill the duties assigned him by the Creator regarding the physical, spiritual, and religious welfare of the family."<sup>22</sup> In this also is included the right to emigrate. On this point Our Predecessor observes that when the States, both those that permit emigration, and those that accept immigrants, try to eliminate "as far as possible all obstacles to the birth and growth of real confidence"<sup>23</sup> among themselves, mutual advantages result, and together they contribute to the well-being of mankind and the progress of culture.

### Further Changes

The situation already changed during the period mentioned by Pius XII, has undergone in these two decades profound transformations both in the internal structure of each political community and in their mutual relations.

In the field of science, technology and economics: the discovery of nuclear energy, its application first to the purposes of war and later its increasing employment for peaceful ends; the unlimited possibilities opened up by chemistry in synthetic products; the growth of automation in the sectors of industry and services; the modernization of the agricultural sector; the well-nigh disappearance of distances through communication effected especially by radio and television; the increased speed in transportation; the initial conquests of interplanetary space.

In the social field: the development of systems for social insurance and, in some more economically advanced political

communities, the introduction of social security systems; in labor movements the formation of, and the increased importance attached to, a more responsible attitude toward the greater socio-economic problems; a progressive improvement of basic education; an ever wider distribution of welfare; an increased social mobility and the resulting decline in the divisions among the classes; the interest in world events on the part of those with an average education. Furthermore, the increased efficiency of economic systems in a growing number of political communities helps to underscore the lack of economic-social balance between the agricultural sector on the one hand and the sector of industry and services on the other; between economically developed and less developed areas within the individual political communities; and on a world-wide plane, the even more pronounced socio-economic inequality existing between economically advanced countries and those in the process of development.

In the political field: the participation in public life in many political communities of an increasing number of citizens coming from diverse social strata; a more extensive and deeper activity of public authorities in the economic and social field. To these must also be added, on the international level, the end of colonial regimes and the attainment of political independence of the peoples of Asia and Africa; the growth of close relationships between the peoples and a deepening of their interdependence; the appearance on the scene and development of an ever growing network of organizations with a world-wide scope, and inspired by supranational criteria: organizations with economic, social, cultural and political ends.

### **Reasons for the New Encyclical**

Therefore, We feel it Our duty to keep alive the torch lighted by Our great Predecessors and to exhort all to draw from it inspiration and orientation in the search for a solution to the social problems more adapted to our times.

For this reason, on the occasion of the solemn commemoration of the Leonine Encyclical, We are happy to have the oppor-

tunity to confirm and specify points of doctrine already treated by Our Predecessors, and, at the same time, to elucidate further the mind of the Church with respect to the new and more important problems of the day.

## PART II

### EXPLANATION AND DEVELOPMENT OF THE TEACHING IN THE "RERUM NOVARUM"

#### Private Initiative and Intervention of the Public Authorities in the Field of Economics

First of all, it should be affirmed that the economic order is the creation of the personal initiative of private citizens themselves working either individually or in association with each other in various ways for the prosecution of common interests.

But here, for the reasons Our Predecessors have pointed out, the public authorities must not remain inactive, if they are to promote in a proper way the productive development in behalf of social progress for the benefit of all the citizens. Their action, whose nature is to direct, stimulate, coordinate, supply and integrate, should be inspired by the "principle of subsidiarity,"<sup>24</sup> formulated by Pius XI in the Encyclical "*Quadragesimo Anno*": "This is a fundamental principle of social philosophy, unshaken and unchangeable, . . . just as it is wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish, so too it is an injustice, a grave evil, and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies. . . . Of its very nature, the true aim of all social activity should be to help individual members of the social body, but never to destroy or absorb them."<sup>25</sup>

It cannot be denied that today the development of scientific knowledge and productive technology offers the public author-

ities concrete possibilities of reducing the inequality between the various sectors of production, between the various areas of political communities, and between the various countries themselves on a world-wide scale. This development also puts it within their capability to control fluctuations in the economy and, with hope of success, to prevent the recurrence of massive unemployment. Consequently, those in authority, who are responsible for the common good, feel the need not only to exercise in the field of economics a multiform action, at once more vast, more profound, more organic, but also it is required, for this same end, that they give themselves suitable structures tasks, means and methods.

But the principle must always be reaffirmed that the presence of the State in the economic field, no matter how widespread and penetrating, must not be exercised so as to reduce evermore the sphere of freedom of the personal initiative of individual citizens, but rather so as to guarantee in that sphere the greatest possible scope by the effective protection for each and all, of the essential personal rights; among which is to be numbered the right that individual persons possess of being always primarily responsible for their own upkeep and that of their own family; which implies that in the economic systems the free development of productive activities should be permitted and facilitated.

For the rest, historic evolution itself puts into relief ever more clearly that there cannot be a well-ordered and fruitful society without the support in the economic field both of the individual citizen and of the public authorities; a working together in harmony in the proportions corresponding to the needs of the common good in the changing situations and vicissitudes of human life.

Experience, in fact, shows that where the personal initiative of individuals is lacking, there is political tyranny; but there is also stagnation in the economic sectors engaged in the production, especially of the wide range of consumer goods and of services which pertain, in addition to material needs, to the



requirements of the spirit; goods and services which call into play in a special way the creative talents of individuals. While, where the due services of the State are lacking or defective, there is incurable disorder and exploitation of the weak on the part of the unscrupulous strong who flourish in every land and, at all times, like the cockle among the wheat.

## SOCIALIZATION

### Origin and Scope of the Phenomenon

One of the typical aspects which characterize our epoch is socialization, understood as the progressive multiplication of relations in society, with different forms of life and activity, and juridical institutionalization. This is due to many historical factors, among which must be numbered technical and scientific progress, a greater productive efficiency and a higher standard of living among citizens.

Socialization is, at one and the same time, an effect and a cause of growing intervention of the public authorities in even the most crucial matters, such as those concerning the care of health, the instruction and education of the younger generation, and the controlling of professional careers and the methods of care and rehabilitation of those variously handicapped; but it is also the fruit and expression of a natural tendency, almost irrepressible, in human beings, the tendency to join together to attain objectives which are beyond the capacity and means at the disposal of single individuals. A tendency of this sort has given life, especially in these last decades, to a wide range of groups, movements, associations and institutions with economic, cultural, social, sporting, recreational, professional and political ends, both within single national communities and on an international level.

### Evaluation

It is clear that socialization, so understood, brings many advantages. It makes possible, in fact, the satisfaction of many

personal rights, especially those called economic-social, such as, for example, the right to the indispensable means of human maintenance, to health services, to instruction at a higher level, to a more thorough professional formation, to housing, to work, to suitable leisure, to recreation. In addition, through the ever more perfect organization of the modern means for the diffusion of thought — press, cinema, radio, television — it is made possible for individuals to take part in human events on a worldwide scale.

At the same time, however, socialization multiplies the forms of organization and makes the juridical control of relations between men of every walk of life ever more detailed. As a consequence, it restricts the range of the individual as regards his liberty of action; and uses means, follows methods and creates an atmosphere which makes it difficult for each one to think independently of outside influences, to work of his own initiative, to affirm and enrich his personality. Ought it to be concluded, then, that socialization, growing in extent and depth, necessarily reduces men to automatons? It is a question which must be answered negatively.

For socialization is not to be considered as a product of natural forces working in a deterministic way. It is, on the contrary, as we have observed, a creation of men; beings conscious, free and intended by nature to work in a responsible way, even if in their so acting they are obliged to recognize and respect the laws of economic development and social progress and cannot escape from all the pressures of their environment.

Hence, we consider that socialization can and ought to be realized in such a way as to draw from it the advantages contained therein and to remove or restrain the negative aspects.

For this purpose, then, it is required that a sane view of the common good be present and operative in men invested with public authority: a view which is formed by all those social conditions which permit and favor for the human race the integral development of their personality. Moreover, we consider

necessary that the intermediary bodies and the numerous social enterprises in which above all socialization tends to find its expression and its activity, enjoy an effective autonomy in regard to the public authorities and pursue their own specific interests in loyal collaboration between themselves, subordinately, however, to the demands of the common good. For it is no less necessary that the above mentioned groups present the form and substance of a true community, that is, that the individual members be considered and treated as persons and encouraged to take an active part in their life.

In the development of the organizations of modern society, order is realized ever more with a renewed balance between the need of autonomous and active collaboration of all, individuals and groups, and the timely coordination of the direction of the public authority.

So long as socialization confines its activity within the limits of the moral order, along the lines indicated, it does not, of its nature, entail serious dangers of restriction to the detriment of individual human beings; rather, it helps to promote in them the expression and development of truly personal characteristics; it produces, too, an organic reconstruction of society, which Our Predecessor Pius XI in the Encyclical "*Quadragesimo Anno*"<sup>26</sup> put forward and defended as the indispensable prerequisite for the satisfying of the demands of social justice.

#### REMUNERATION OF WORK

#### Standards of Justice and Equity

Our heart is filled with a deep sadness in contemplating the immeasurably sorrowful spectacle of vast numbers of workers in many lands and entire continents who are paid wages which condemn them and their families to subhuman conditions of life. This is doubtless due, among other reasons, to the fact that in these countries and continents the process of industrialization is just beginning or is still insufficiently developed.

In some of these countries, however, there stands in harsh and offensive contrast to the wants of the great majority the abundance and unbridled luxury of the privileged few. In still other countries, the present generation is compelled to undergo inhuman privations in order to increase the output of the national economy at a rate of acceleration which goes beyond the limits permitted by justice and humanity, while in other countries a notable percentage of income is absorbed in building up or furthering an ill-conceived national prestige, or vast sums are spent on armaments.

Moreover, in the economically developed countries, it not rarely happens that whilst great, or sometimes very great, remuneration is made for the performance of some small task or one of doubtful value, yet the diligent and profitable work of the whole classes of decent hard-working men receives a payment that is much too small, insufficient or in no way corresponding to their contribution to the good of the community, or to the profit of the undertakings in which they are engaged, or to the general national economy.

We judge it, therefore, to be Our duty to re-affirm once again that the remuneration of work, just as it cannot be left entirely to the laws of the market, so neither can it be fixed arbitrarily. It must rather be determined according to justice and equity. This requires that the workers should be paid a wage which allows them to live a truly human life and to face up with dignity to their family responsibilities; but it requires, too, that in the assessment of their remuneration regard be had to their effective contribution to the production and to the economic state of the enterprise; to the requirement of the common good of the respective political communities, especially with regard to the repercussions on the over-all employment of the labor force in the entire country; as also to the requirements of the universal common good, that is, of the international communities of different nature and scope.

It is clear that the standards of judgment set forth above are binding always and everywhere, but the degree according

to which concrete cases are to be applied cannot be established without reference to the available wealth; wealth which can vary in both quantity and quality, which can, and in fact does, vary from country to country and within the same country from time to time.

### **Process of Adjustment Between Economic Development and Social Progress**

Whereas the economies of various countries are evolving rapidly and at an even more intense pace during this postwar period, we consider it opportune to call attention to a fundamental principle, namely, that social progress accompany and be adjusted to economic development so that all classes of citizens can participate in the increased productivity. Attentive vigilance and effective effort must be made so that socio-economic inequalities do not increase but rather that they be lessened as much as possible.

"Likewise the national economy," observes Our Predecessor Pius XII with evident justification, "as it is the product of the men who work together in the community of the State, has no other end than to secure without interruption the material conditions in which the individual life of the citizen may fully develop. Where this is secured in a permanent way, a people will be, in a true sense, economically rich because the general well-being, and consequently the personal right of all to the use of worldly goods is thus actuated in conformity with the purpose willed by the Creator."<sup>27</sup> From this it follows that the economic wealth of a people arises not only from an aggregate abundance of goods but also, and more so, from their real and efficacious redistribution according to justice, as a guarantee of the personal development of the members of society, which is the true scope of a national economy.

We must here call attention to the fact that in many economies today, the medium and large enterprises not rarely effect rapid and large productive developments by means of self-financing. In such cases we hold that the workers should ac-



quire shares in the firms in which they are engaged, especially when they earn no more than the minimum salary.

In this matter, to be recalled is the principle explained by Our Predecessor Pius XI in the encyclical "*Quadragesimo Anno*": "It is totally false to ascribe to capital alone or to labor alone that which is obtained by the joint effort of the one and the other; and it is flagrantly unjust that either should deny the efficacy of the other and seize all the profits."<sup>28</sup>

The demand of justice referred to can be satisfied in many ways suggested by experience. One of these and among the most desirable, is to see to it that the workers, in the manner and to a degree most convenient, be able to participate in the ownership of the enterprise itself; since today, more than in the times of Our Predecessor, "every effort, therefore, must be made that at least in the future a just share only of the fruits of production be permitted to accumulate in the hands of the wealthy, and that an ample sufficiency be supplied to the workmen."<sup>29</sup>

But we should, moreover, remember that adjustments between recompense for work and returns be brought about in conformity with the demands of the common good both of one's own community and of the entire human family.

The demands of the common good on the national level must be considered: to provide employment to the greatest number of workers; to take care lest privileged classes arise, even among the workers, to maintain an equal balance between wages and prices, and make goods and services accessible to the greater number of citizens; to eliminate or keep within limits the inequalities between sectors of agriculture, of industry and of services; to bring about a balance between economic expansion and the development of essential public services; to adjust, as far as possible, the means of production to the progress of science and technology; to regulate the improvements in the tenor of life of the present generation with the objective of preparing a better future for the coming generations.

There are also demands for the common good on the world level: to avoid all forms of unfair competition between the economies of different countries; to encourage with fruitful understanding collaboration among these national economies; to cooperate in the economic development of communities, economically less advanced.

It is obvious that the demands of the common good, referred to both on the national and world level, are to be kept in mind when there is question of determining the rate of return to be assigned as profit to those responsible for the direction of the enterprise; also to the contributors' capital in the form of interest and dividends.

### **The Demands of Justice in Regard to the Productive Structure in Harmony with Man**

Justice is to be observed not only in the distribution of wealth, but also with reference to the structures of the enterprises in which productive activity unfolds itself. There is, in fact, an innate exigency in human nature which demands that when men are engaged productively in activity, they have the opportunity of employing their own responsibility and perfecting their own being.

Wherefore, if the structures, the functioning, the surroundings of an economic system are such as to compromise human dignity, in so far as in them they unfold their proper activity, or if they systematically blunt in them the sense of responsibility, or constitute in any way an impediment to expressing their personal initiative, such an economic system is unjust, even if, by hypothesis, the wealth produced through it reaches a high standard and this wealth is distributed according to the criteria of justice and equity.

### **Confirmation of a Directive**

It is not possible to spell out in particular that structure of an economic system which is more in conformity with the dignity of man and more suitable to developing in him a sense

of responsibility. Nevertheless, Our Predecessor, Pius XII opportunely delineates this directive as follows: "The small and average sized undertakings in agriculture, in the arts and crafts, in commerce and industry, should be safeguarded and fostered by granting them the benefits of the larger firm by means of cooperative unions; while in the large concerns there should be the possibility of moderating the contract of work by one of partnership."<sup>30</sup>

### **Artisan and Cooperative Enterprises**

The artisan enterprise and the farm enterprise of family size, as also the cooperative enterprise that serves likewise as an element of integration of the two, are to be preserved and encouraged, in keeping with the common good and within the limits of technical possibilities.

We shall return shortly to the topic of the farm enterprise of family size. Here, we think it appropriate to underscore the importance of the artisan and cooperative enterprises.

Above all, it is necessary to emphasize that the two undertakings, in order to be effective, must constantly adapt themselves in their structure, function and output, to ever new situations, created by the advance of science and technology, as also by the changing demands and preferences of the consumer. This adaptation must be first of all effected by the craftsmen themselves and the members themselves of the cooperatives.

To accomplish this, the two groups must have a good training, both technically and humanly, and they must be organized professionally. Further, it is imperative that appropriate economic measures be taken by the government regarding especially their information, taxation, credit and social security.

Moreover, the measures taken by public agencies on behalf of the craftsmen and members of the cooperatives are also justified by the fact that these two categories of citizens uphold true human values and contribute to the advance of civilization.

For these reasons, We paternally invite Our beloved sons, artisans and members of the cooperatives throughout the world to realize the dignity of their profession and their substantial contribution, so that they keep alert the sense of responsibility and the spirit of cooperation in the national communities, and that the desire to work with dedication and originality ever abide.

### **Participation of Workers in the Average-size and Large Enterprises**

Further, following up the line of thought drawn by Our Predecessors, we also hold as justifiable the desire of the employees to participate in the activity of the enterprise to which they belong as workers. It is not feasible to define a priori the manner and degrees of such participation, since the workers are the ones who are in touch with the specific conditions prevailing in every enterprise—conditions that can vary from one to another and are frequently subject to quick and substantial changes. But we think it fitting to call attention to the fact that the problem of the participation of the workers is an ever present one, whether the enterprise is private or public. At any rate, every effort should be made that the enterprise become a community of persons in the dealings, activities and standing of all its members.

This demands that the relations between the employers and directors on the one hand, and the employees on the other, be marked by appreciation, understanding, a loyal and active cooperation, and devotion to an undertaking common to both, and that the work be considered and effected by all the members of the enterprise, not merely as a source of income, but also as the fulfillment of a duty and the rendering of a service. This also means that the workers may have their say in and may make their contribution to the efficient running and development of the enterprise. Our Predecessor, Pius XII, remarked that "the economic and social function which every man aspires to fulfill, demands that the carrying on of the activity of each one is not

completely subjected to the will of others."<sup>31</sup> A humane view of the enterprise ought undoubtedly to safeguard the authority and necessary efficiency of the unity of direction, but it must not reduce its daily co-workers to the level of simple and silent performers without any possibility of bringing to bear their experience, entirely passive in regard to decisions that regulate their activity.

Finally, attention is to be called to the fact that the exercise of responsibility on the part of the workers in productive units, not only corresponds to the lawful demands inherent in human nature but is also in conformity with the historic development in the economic, social and political fields.

Unfortunately, as we have already noted, and as will later be seen more fully, numerous are the economic and social inequalities which in our time are opposed to justice and humanity; and deep rooted are the errors that pervade the activity, purposes, structure and working of the economic world. But it is an undeniable fact that the productive systems, thanks to the impulse deriving from scientific and technical advance, are today becoming more modern and efficient at a far more rapid rate than in the past. This demands of the workers greater abilities and professional qualifications. At the same time and as a consequence, they are given greater means and more free-time for being instructed and brought up to date for their acquiring culture and moral as well as religious formation.

Thus, can be effected also a longer period for basic instruction, as likewise for the professional training of new generations.

Thus is created a humane environment that encourages the working classes to assume greater responsibility also within the enterprises, while at the same time political communities become ever more aware that all the citizens feel responsible for bringing about the common good in all spheres of life.

### **The Worker's Participation at All Levels**

Modern times have seen a broad development of associations of workers and the general recognition of such in the ju-



radical codes of various countries and on an international scale, for the specific purpose of cooperation, in particular by means of collective bargaining. But we cannot fail to emphasize how timely and imperative is it that the workers exert their influence and effectively so, beyond the limits of the individual productive units, and at every level.

The reason is that the individual productive units, regardless how extensive or how very efficient they be, form a vital part of the economic and social complexity of the respective political communities and are determined by it.

But it is not the decisions made within the individual productive units which are those that have the greatest bearing, instead it is those made by public authorities or by institutions that act on a world-wide, regional or national scale, and pertaining to some economic sector or category of production. Hence, the appropriateness or imperativeness that among such authorities or institutions, besides the holders of capital or the representatives of their interests, the workers also or those who represent their rights, demands and aspirations, should have a say.

Our affectionate thought and Our paternal encouragement goes out to the professional groups and to the associations of workers of Christian inspiration existing and working on more than one continent, which in the midst of many and frequently grave difficulties have been able and are continuing to strive for the effective promotion of interests of the working classes and for their material and moral improvement, both within a single political unit as well as on a world-wide scale.

It is with satisfaction that We believe it Our duty to underscore the fact that their work is to be gauged not only by direct results and those immediately observable but also by the positive reaction of an economic and social order marked by justice and humanity, effected throughout the labor world, where it spreads the principles of correct orientation and supplies the impulse of Christian renovation.

We believe further that such, too, ought to be considered

the work performed with true Christian spirit by our beloved sons in other professional groups and associations of workers, taking their inspiration from the natural principles of dealing with each other and respectful of the freedom of conscience.

We are also happy to express heartfelt appreciation to the International Labor Organization, which for decades has been making its effective and precious contribution to the establishment in the world of an economic and social order marked by justice and humanity, where also the lawful demands of the workers are given expression.

#### PRIVATE PROPERTY

#### Changed Conditions

During these last decades, as is known, the difference has been growing more acute between the ownership of productive goods and the responsibility of those managing the larger economic entities. We know that this brings about problems hard to control by the public authorities in order to make certain that the aims pursued by the directors of large companies, especially of those that have greater effect on the entire economic life of a political community, are not contrary to the demands of the common good; problems, which as experience shows, arise regardless whether the capital that makes possible the vast undertaking belongs to private citizens or to public corporations.

It is also true that many are the citizens today—and their number is on the increase—that through belonging to insurance groups or social security, have reason to face the future with serenity that formerly derived from the properties they inherited, however modest.

Finally, it is noted that today men strive to acquire professional training rather than become owners of property, and they have greater confidence in income deriving from work or rights founded on work rather than in income deriving from capital or rights founded on capital.

Moreover, this is in conformity with the pre-eminent position of work as the immediate expression of the individual against capital, a good by nature instrumental; and hence such a view of work may be considered a step forward in the process of human civilization.

The aspects just alluded to, which the economic world reveals, have certainly contributed in spreading the doubt that a principle of the economic and social order consistently taught by Our Predecessors has diminished or lost its importance, namely, the principle of natural right to private ownership inclusive of productive goods.

### **Confirmation of the Right of Ownership**

There is no reason for such a doubt to persist. The right of private ownership of goods, of productive goods inclusively, has a permanent validity, precisely because it is a natural right founded on ontological and finalistic priority of individual human beings as compared with society. Moreover, it would be useless to insist on free and personal initiative in the economic field, if the same initiative were not permitted to dispose freely of the means indispensable to its achievement. Further, history and experience testify that in those political regimes which do not recognize the rights of private ownership of goods, productive included, the fundamental manifestations of freedom are suppressed or stifled; hence, one may justifiably conclude that they find in such a right both a guarantee and an incentive.

Hence, is explained the fact that socio-political movements which strive to reconcile in society justice and liberty were until recently clearly opposed to the private ownership of productive goods, but are now (more fully enlightened concerning actual social conditions) reconsidering their own stand and are taking in regard to that right an essentially positive attitude.

Accordingly, We make Our own the insistence of Our Predecessor Pius XII: "In defending the principle of private property the Church is striving after an important ethico-social end. She does not intend merely to uphold the present condition of

things as if it were an expression of the Divine Will or to protect on principle the rich and plutocrats against the poor and indigent. . . . The Church rather aims at securing that the institution of private property be such as it should be according to the plan of Divine Wisdom and the dispositions of nature."<sup>32</sup> And thus may the natural right be the guarantee of the essential freedom of the individual and at the same time an indispensable element in the social order.

Further, We have observed today in man's political communities, that economic systems are rapidly increasing their productive efficiency. With the increase of income, justice and fairness demand, as we have already seen, the remuneration for work be also increased within the limits allowed by the common good. This allows the workers more easily to save and thus acquire their own property. Hence, it is incomprehensible how the innate character of a right can be called into question that has as its main source the fruitfulness of work and is continually fomented by the same; a right that constitutes an apt means to assert one's personality and to exercise responsibility in every field; an element of solidity and of security for family life and of peaceful and orderly development of society.

### **Effective Distribution**

It is not enough to assert the natural character of the right of private property, productive included, but the effective distribution among all social classes is to be insisted upon.

As Our Predecessor Pius XII states: "Ordinarily, as a natural fundamental for living, the right to the use of the good of the earth to which corresponds the fundamental obligation of granting private property to all if possible,"<sup>33</sup> while among the demands arising from the moral dignity of work is also the one that includes "the conservation and perfection of a social order which makes possible a secure, even if modest, property to all classes of the people."<sup>34</sup>

The distribution of property ought to be championed and effected in times such as ours, in which, as has been noted, the

economic systems of an increasing number of political communities are in the process of rapid development. While making use of various technical devices which have proved effective, they find it easy to promote enterprises and carry out an economic and social policy that favors and facilitates an increased distribution of private ownership and of durable consumer goods, of homes, of farms, of one's own equipment in artisan enterprises and farms of family size, of shares in middle-size and large firms—as is being profitably experienced in some political communities that have developed economically and progressed socially.

### Public Property

What has been set forth above, does not exclude, as is obvious that also the State and other public agencies should lawfully possess as property productive goods especially when they “carry with them an opportunity too great to be left to private individuals without injury to the community at large.”<sup>35</sup>

In modern times there is the tendency towards a progressive taking over of property whose ownership is vested in the State or other agencies of public authority. The fact finds its explanation in the ever widening activity which the common good requires of the public authorities to carry on. But also in the present matter the principle of subsidiarity stated above is to be followed. Accordingly, the State and the other agencies of public law should not extend their ownership except where motives of evident and real necessity of the common good require it, and not for the purpose of reducing and, much less, of abolishing private property.

Nor is one to forget that the enterprises of an economic nature of the State and the other agencies of public law are to be entrusted to those who unite in themselves a specific solid ability, spotless honesty and keen sense of responsibility towards their country. Further, their behavior and activity are to be subject to a wise and constant inspection, in order to prevent among other things, that within the very organization of the



State should be formed centers of economic power that would redound to the detriment of its *raison d'être*, that is the good of the community.

### Social Function

Another doctrinal point constantly set forth by Our Predecessors is that with the right of private property is intrinsically linked a social function. As a matter of fact, according to the plan of creation, the goods of the earth are above all destined for the worthy support of all human beings, as Our Predecessor Leo XIII in His Encyclical "*Rerum Novarum*" expresses so wisely: "whoever has received from the Divine bounty a large share of blessings, whether they be external or corporal, or gifts of the mind, has received them for the purpose of using them for perfecting his own nature and, at the same time, that he may employ them, as the minister of God's Providence for the benefit of others. 'He that hath a talent', says St. Gregory the Great, 'let him see that he hideth it not; he that hath abundance, let him arouse himself to mercy and generosity; he that hath art and skill, let him do his best to share the use and utility thereof with his neighbor'."<sup>36</sup>

Today, the State as well as the agencies of public law have extended and are continuing to extend the sphere of their activity and initiative. But not for that reason has the *raison d'être* of the social function of private property diminished, as some wrongly tend to believe; inasmuch as it derives from the very nature of the right of property. Further, there is always a wide range of tragic conditions and needs that demand tact, yet are nonetheless urgent, which the official means of public agencies cannot reach, or at any rate cannot assist. Hence there ever remains a vast sphere for the human sympathy and Christian charity of individuals.

Finally it has also been noted that frequently the numerous efforts of individuals or of groups are often more effective in promoting spiritual values than the activity of public agencies.

We should like to note at this point that in the Gospel the right of private ownership of goods is regarded as lawful. But at the same time, the Divine Master frequently extends to the rich the insistent invitation that they convert their material goods into spiritual ones by conferring them on the needy—spiritual goods that the thief cannot steal nor the moth or rust destroy and which will be found increased in the eternal store houses of the Heavenly Father. "Lay not up to yourselves treasures on earth; where the rust and moth consume, and where thieves break through and steal. But lay up to yourselves treasures in heaven: where neither the rust nor moth doth consume, and where thieves do not break through, nor steal."<sup>37</sup>

And the Lord will consider as given or refused to Himself the charity given or refused to the needy, "as long as you did it to one of these my least brethren, you did it to me."<sup>38</sup>

*(to be continued)*

#### FOOTNOTES TO ENCYCLICAL

- 1 Cfr. I Tim. III, 15.
- 2 IOAN. XIV, 6.
- 3 IOAN. VIII, 12.
- 4 MARC. VIII, 2.
- 5 Acta Leonis XIII, XI, 1981, pp. 94-144.
- 6 Ibid., p. 107.
- 7 S. THOM., De regimine principum, I, 15.
- 8 Cfr. A.A.S., XXIII, 1931, p. 185.
- 9 Cfr. Ibid., p. 189.
- 10 Ibid., pp. 177-228.
- 11 Cfr. Ibid., p. 199.
- 12 Cfr. Ibid., p. 200.
- 13 Cfr. Ibid., p. 201.
- 14 Cfr. Ibid., p. 210 s.
- 15 Cfr. Ibid., p. 211.
- 16 Cfr. Ibid., XXXIII, 1941, p. 196.
- 17 Cfr. Ibid., p. 197.
- 18 Cfr. Ibid., p. 196.
- 19 Cfr. Ibid., p. 198 s.
- 20 Cfr. Ibid., p. 199.
- 21 Cfr. Ibid., p. 201.
- 22 Cfr. Ibid., p. 202.
- 23 Cfr. Ibid., p. 203.
- 24 A.A.S., XXIII, 1931, p. 203.
- 25 Ibid., p. 203.
- 26 Cfr. Ibid., p. 222 s.
- 27 Cfr. A.A.S., XXXIII, 1941, p. 290.
- 28 A.A.S., XXIII, 1931, p. 195.
- 29 Ibid., p. 198.
- 30 Nuntius Radiophonicus, d. die 1 septembris 1944; cfr., A.A.S., XXXVI, 1944, p. 254.
- 31 Allocutio habita die 8 octobris anno 1956; cfr. A.A.S., XLVIII, 1956, pp. 799-800.
- 32 Radiophonicus nuntius datus die 1 septembris anno 1944; cfr. A.A.S., XXXVI, 1944, p. 253.
- 33 Nuntius radiophonicus datus die 24 decembris anno 1942; cfr. A.A.S., XXXV, 1943, p. 17.
- 34 Cfr. Ibid., p. 20.
- 35 Litt. Encycl. Quadragesimo Anno; A.A.S., XXIII, 1931, p. 214.
- 36 Acta Leonis XIII, XI, 1891, p. 114.
- 37 MATTH. VI, 19-20.
- 38 MATTH. XXV, 40.

## CURIAS DIOCESANAS

## ARCHDIOECSE OF MANILA

## NOMINATIO

DILECTO NOBIS IN CHRISTO  
EXC.MO AC REV.MO PETRO N. BANTIGUE,  
TIT, CATULENSI  
AC EPISCOPO AUXILIARI MANILENSI

Salutem in Domino:

Cum ad omnia singulaque Nostri officii munera in Archidioecesi Manilensi per Nosmetipsos adimplenda viribus impares habeamur, cunctis Nobis commissi gregis operibus, in quantum fieri potest, plane satisfacere cupientes, Nostrae pastoralis vigilantiae et sollicitudinis socium ac adiutorem eligere statuimus. Quapropter Te Exc.mum ac Rev.mum Petrum Bantigue, in Iure Canonico Doctorem, cuius doctrina, probitas, prudentia ac rerum gerendarum experientia satis comprobatae Nobis plane dignoscuntur, in Nostrum Vicarium Generalem, virtute praesentium, instituimus ad normam Can. 366 pro administratione ad universitatem negotiorum tam spiritualium quam temporalium, in toto Nostrae Archidioecesis territorio, ad beneplacitum Nostrum functurum, seclulis causis tamen iudicialibus ad Nostrum Officiale spectantibus, cum omnibus potestate, facultatibus, privilegiis, honoribus ac praeeminentiis quae de iure, iuxta Canones, statuta diocesana et approbatam consuetudinem, Vicario Generali, Ordinario loci, competunt Teque sic institutum declaramus.

Datum Manila, sub signo sigilloque Nostris ac Cancellarii Nostri subscriptione, anno Domini millesimo nongentesimo sexagesimo primo, die vero sexta mensis Augusti.

(Subsign.) RUFINO J. CARD. SANTOS  
*Archiepiscopus Manilensis*

De mandato E.mi Archiepiscopi  
(Subsign.) ARTEMIO G. CASAS  
*Cancellarius*

EXCMO. AC REVMO. PETRO N. BANTIGUE, D.D.  
*Episcopo Auxiliari Manilensi*  
*Manila*

## DECRETO DE ERECCION

### DE LA NUEVA PARROQUIA DE CRISTO REY DE QUEZON CITY

NOS, D. RUFINO J. CARDENAL SANTOS POR LA GRACIA DE DIOS Y DE LA SANTA SEDE ARZOBISPO DE MANILA:

Habiendo visto este expediente de desmembración de la parroquia de Sta. Rita de Quezon City y de la erección de una nueva parroquia que se comprenderá dentro de los límites siguientes:

N. Kuliat Creek

S. Kuliat Creek

E. Palawan Street, borders of the U.S. Navy Transmitter Station, North Avenue y Payna St.

W. Creek

Resultando que el lugar comprendido dentro de los citados límites tiene el número suficiente de habitantes y su distancia de la parroquia matriz es grande; por lo que existen razones y causas canónicas justas y suficientes para que dicho lugar sea segregado de la parroquia de Sta. Rita;

Resultando que el Ilmo. Cabildo Metropolitano de la Archidiócesis de Manila, manifestando su parecer ha dado su conformidad;

Resultando que el párroco de Sta. Rita reconoce como causa canónica las razones expuestas en el párrafo anterior y ha dado su conformidad;

Considerando que los Ordinarios tienen potestad para desmembrar la parroquia existente, INVITIS QUOQUE EARUM RECTORIBUS, siempre que exista gran dificultad de los fieles para acudir a la iglesia parroquial;

Considerando que la dificultad de atender desde la parroquia propia a un gran número de fieles está reconocida por todos;

Nos, vistos los canones 1427 y 1428 del Código Piano,

## DECRETAMOS

1. Que venimos en separar y desmembrar y separamos y desmembramos el lugar comprendido dentro de los límites arriba descritos de la parroquia de Sta. Rita para erigir y establecer como por las presentes erigimos y establecemos la

parroquia de CRISTO REY, teniendo al mismo por Patrón, cuya fiesta cae en el último Domingo de Octubre;

2. Que dicha parroquia de CRISTO REY quedará plenamente separada de la parroquia matriz, a cuyo párroco declaramos libre y exento de la misma, y que tendrá párroco propio, sello parroquial, libros parroquiales y demás objetos para el culto de la iglesia;
3. Finalmente, no existiendo dote para sostener el culto y personal de la nueva parroquia, amonestamos y mandamos a los fieles vecinos de la feligresía que ayuden en cuanto les sea posible a mantener el decoro y culto de la iglesia, y sostener al Párroco encargado sobre todo en lo que toca al arancel parroquial diocesano;
4. Y mandamos igualmente a todos que observen este Nuestro Decreto de que en dialecto local dará el Párroco futuro de la parroquia de Cristo Rey conocimiento al público desde el púlpito en un día de mayor concurrencia para los efectos oportunos; lo mismo se manda al Párroco de Sta. Rita y archívese original.

Dado en Nuestro Palacio Arzobispal de Manila, firmado de nuestra mano, sellado y refrendado por el infrascrito Secretario de Cámara y Gobierno del Arzobispado de Manila, hoy 3 de Agosto, 1961.

✠ RUFINO J. CARD. SANTOS  
*Arzobispo de Manila*

Por mandado de Su Eminencia

ARTEMIO G. CASAS  
*Canciller*

#### DECRETO DE ERECCION

#### DE LA NUEVA PARROQUIA DE NRA. SRA. DEL CARMELO EN QUEZON CITY

NOS, D. RUFINO J. CARDENAL SANTOS POR LA GRACIA DE DIOS Y DE LA SANTA SEDE ARZOBISPO DE MANILA:

Habiendo visto este expediente de desmembración de la parroquia de Sta. Rita de Quezon City y de la erección de una



nueva parroquia que se comprenderá dentro de los límites siguientes:

N. Creek, linderos de la Doña Juana Subdivision, lindero de la Aguilar Subdivision.

S. North Avenue, Elliptical Road, Commonwealth Avenue lindero de la University of the Philippines — linderos de Balara Filters.

E. Marikina River.

W. Mindanao Avenue.

Resultando que el lugar comprendido dentro de los citados límites tiene el número suficiente de habitantes y su distancia de la parroquia matriz es grande; por lo que existen razones y causas canónicas justas y suficientes para que dicho lugar sea segregado de la parroquia de Sta. Rita;

Resultando que el Ilmo. Cabildo Metropolitano de la Archidiócesis de Manila, manifestando su parecer ha dado su conformidad;

Resultando que el párroco de Sta. Rita reconoce como causa canónica las razones expuestas en el párrafo anterior y ha dado su conformidad;

Considerando que los Ordinarios tienen potestad para desmembrar la parroquia existente, INIVITIS QUOQUE EARUM RECTORIBUS, siempre que exista gran dificultad de los fieles para acudir a la iglesia parroquial;

Considerando que la dificultad de atender desde la parroquia propia a un gran número de fieles está reconocida por todos;

Nos, vistos los canones 1427 y 1428 del Código Píano,

## DECRETAMOS

1. Que venimos en separar y desmembrar y separamos y desmembramos el lugar comprendido dentro de los límites arriba descritos de la parroquia de Sta. Rita para erigir y establecer como por las presentes erigimos y establecemos la parroquia de NRA. SRA. DEL CARMELO EN QUEZON CITY, teniendo a la misma por Patrona;
2. Que dicha parroquia de NRA. SRA. DEL CARMELO quedará plenamente separada de la parroquia matriz, a cuyo párroco declaramos libre y exento de la misma, y que tendrá

- párroco propio, sello parroquial, libros parroquiales y demás objetos para el culto de la iglesia;
3. Finalmente, no existiendo dote para sostener el culto y personal de la nueva parroquia, amonestamos y mandamos a los fieles vecinos de la feligresía que ayuden en cuanto les sea posible a mantener el decoro y culto de la iglesia, y sostener al párroco encargado sobre todo en lo que toca al arancel parroquial diocesano;
  4. Y mandamos igualmente a todos que observen este Nuestro Decreto de que en dialecto local dará el párroco futuro de la parroquia de Nra. Sra. del Carmelo conocimiento al público desde el púlpito en un día de mayor concurrencia para los efectos oportunos; lo mismo se manda al Párroco de Sta. Rita y archívese original.

Dado en Nuestro Palacio Arzobispal de Manila. firmado de nuestra mano, sellado y refrendado por el infrascrito Secretario de Cámara y Gobierno del Arzobispado de Manila, hoy 3 de Agosto, 1961.

✠ RUFINO J. CARD. SANTOS  
Arzobispo de Manila

Por mandado de Su Eminencia

ARTEMIO G. CASAS  
Canciller

## DECRETO DE ERECCION

### DE LA NUEVA PARROQUIA DE PALANAN, EN MAKATI

NOS, D. RUFINO J. CARDENAL SANTOS POR LA GRACIA DE DIOS Y DE LA SANTA SEDE ARZOBISPO DE MANILA:

Habiendo visto este expediente de desmembración de la parroquia de San Isidro de Pasay City y de la erección de una nueva parroquia que se comprenderá dentro de los límites siguientes:

N. Vito Cruz

S. Buendia Avenue

E. Creek

O. Manila Railroad Tracks

Resultando que el lugar comprendido dentro de los citados límites tiene el número suficiente de habitantes y su distancia de la parroquia matriz es grande; por lo que existen razones y causas canónicas justas y suficientes para que dicho lugar sea segregado de la parroquia de San Isidro;

Resultando que el Ilmo. Cabildo Metropolitano de la Archidiócesis de Manila, manifestando su parecer ha dado su conformidad;

Resultando que el párroco de San Isidro reconoce como causa canónica las razones expuestas en el párrafo anterior y ha dado su conformidad;

Considerando que los Ordinarios tienen potestad para desmembrar la parroquia existente, INVITIS QUOQUE EARUM RECTORIBUS, siempre que exista gran dificultad de los fieles para acudir a la iglesia parroquial;

Considerando, que la dificultad de atender desde la parroquia propia a un gran número de fieles está reconocida por todos;

Nos, vistos los canones 1427 y 1428 del Código, Piano,

### DECRETAMOS

1. Que venimos en separar y desmembrar y separamos y desmembramos el lugar comprendido dentro de los límites arriba descritos de la parroquia de San Isidro para erigir y establecer como por las presentes erigimos y establecemos la parroquia de PALANAN, EN MAKATI, RIZAL, teniendo por Patrón a San Isidro Labrador;
2. Que dicha parroquia de PALANAN quedará plenamente separada de la parroquia matriz, a cuyo párroco declaramos libre y exento de la misma, y que tendrá párroco propio, sello parroquial, libros parroquiales y demás objetos para el culto de la iglesia;
3. Finalmente, no existiendo dote para sostener el culto y personal de la nueva parroquia, amonestamos y mandamos a los fieles vecinos de la feligresía que ayuden en cuanto les sea posible a mantener el decoro y culto de la iglesia, y

sostener al párroco encargado sobre todo en lo que toca al arancel parroquial diocesano;

4. Y mandamos igualmente a todos que observen este Nuestro Decreto de que en dialecto local dará el párroco futuro de la parroquia de Palanan conocimiento al público desde el pùl-pito en un día de mayor concurrencia para los efectos oportunos; lo mismo se manda al Párroco de San Isidro y archi-vese original.

Dado en Nuestro Palacio Arzobispal de Manila, firmado de nuestra mano, sellado y refrendado por el infrascrito Secretario de Cámara y Gobierno del Arzobispado de Manila, hoy 3 de Agosto, 1961.

✠ RUFINO J. CARD. SANTOS  
*Arzobispo de Manila*

Por mandado de Su Eminencia  
ARTEMIO G. CASAS  
*Canciller*

## MISANG SAGUTAN

(Misa Dialogada en Tagalog)

- \* Folleto 3-1/2 x 5-3/4, de cuarenta y cuatro páginas, que contiene la Misa completa del Sagrado Corazón de Jesús, Ordinario y Propio, adecuadamente preparado para que todo el pueblo participe, en unión con el Sacerdote, en el Santo Sacrificio de la Misa, según se practica ya en muchas iglesias, conforme a los deseos de la Santa Sede.
- \* Las partes en que toma parte activa el pueblo van en Latín y Tagalog, en letra más gruesa, que hace sumamente sencilla la participación de todos los fieles.
- \* Indícase la postura que debe adoptar el pueblo a cada parte de la Misa, lográndose así la uniformidad, que tanto ayuda al recogimiento interior del alma.
- \* Todo ello en conformidad con las **nuevas regulaciones o rúbricas** dadas recientemente por la Santa Sede en 26 de Julio, 1960, y que comenzaron a regir el día **1 de Enero, 1961.**
- \* Precios de **Misang Sagutan:**
  - P 0.30 — cada copia
  - P13.00 — cada 50 copias
  - P25.00 — cada 100 copias

**NOVEL PUBLISHING CO., INC.**

España St., Manila, Philippines  
Tel.: 3-73-47

## Catholic Education in the Service of Christ \*

*"Him we preach, admonishing every man and teaching every man in all wisdom that we may present every man perfect in Christ." (Col. 1, 28)*

We have convened here this morning to inaugurate the National Catholic Education week. Our first step in doing so is the offering of the Holy Sacrifice of the Mass. Truly it is a most plausible thing to do. The issues that are going to occupy our attention this week are of such gravity and far reaching consequences that no prudent man would undertake their solution without imploring first divine help. Those problems are resultant of the nature of our vocation in life. Educators as we profess to be we deal with human souls; we strive to dissipate ignorance from the minds of the young generation; we try to guide their wills on the path of virtue and to sublimate their emotions. This is a task that calls really for super-human powers. Now God fills the innermost recesses of the soul; He moves the human will most efficaciously and most freely wherever He wants; He stirs the human heart with good purposes and desires and satiates man's craving for happiness; therefore, it is both a compelling necessity and a duty to pray for God's all-powerful aid. The purpose of our prayer is not to arouse in ourselves a sense of complacency over our past achievements; it is not to move God to bless and ratify any spurious aims that have perhaps distorted the genuine concept of Catholic Education. That would be a case of intollerable irreverence to seek to associate God to our selfishness and bad

---

\*Allocation delivered at the opening session of the CEAP annual convention during the Pontifical High Mass officiated by His Eminence Rufino J. Cardinal Santos at Sto. Domingo Church on August 14, 1961.



faith. The immediate and specific purpose of our prayer today is for light that will help us understand two things:

First — The objectives of Catholic education.

Second — The responsibility of the Catholic teacher.

### I. THE OBJECTIVES OF CATHOLIC EDUCATION

The object of Catholic education must be defined with reference to man's nature and ultimate end. Man is a creature composed of an immortal soul and a perishable body. He is intelligent and free. His perfection lies in the knowledge of truth and in the pursuit of moral good. Man is the subject of powerful instincts that influence for good or for evil his whole personality; his temporal life and his eternal destiny. With his intellect man knows the world and its first cause; he knows his own limitations and his duties to his fellowmen; his dependence on the Creator and the fulfillment of his aspirations in the Absolute Being. With his will man hungers after good and, aided by divine grace, he is capable of exerting complete mastery over his emotions and actions. Because of his body, man is part of the physical world and is moved by certain drives intended for the preservation of his existence and his integrity. But in spite of the dual character of human nature, man has one specific end to gain, that is, his supernatural happiness after a brief sojourn on earth. For this purpose he was created in state of grace; overcome and wounded by sin he was redeemed through the death of Christ.

It is the goal of Christian education to take man as he is and transform and elevate him intellectually and morally so that he may "play his part worthily as a citizen of the city of man and as a citizen of the city of God."

Pius XI made it conspicuously clear when he wrote in *Divini Illius Magistri*: "Education consists essentially in preparing man for what he must be and for what he must do here below, in order to attain the sublime end for which he was created . . . There can not be true education which is not wholly directed to man's final destiny." And also: "The true Christian product of Christian education is the supernatural man who thinks, judges and acts constantly and consistently in accordance with right reason, illumined by the supernatural light of the example, and teaching of Christ."

Christian education, therefore, must develop all the potentialities of the mind, of the will, of the emotions and of the

physical faculties and powers of man. The formation of the mind is of primary importance for the full development of man's spiritual life and the solution of the great problems that haunt him through the years and the ages. Saint Thomas Aquinas already warned that there is no error more pernicious and fraught with potential risks than that committed against the mind itself: "Indecentior videtur esse error quo circa intellectum erratur". (Opusculum VI, De Unitate Intellectus). Leo XIII shared the same view, as he wrote: "Since it is the very nature of man to follow the guide reason in his actions, if his intellect sins at all, his will soon follows; and thus it happens that looseness of intellectual opinion influences human actions and perverts them." ("*Aeterni Patris*", The Great Encyclical Letters of Pope Leo XIII, Ed. New York, Benzinger, 1903, p. 35).

#### a) The Mind

The formation of the mind takes place through the development of the intellectual habits known as understanding, wisdom and science, in the speculative order; and prudence and art, in the practical order. They are all essential in a well ordered life. Any system of education that ignores any of them will inevitably lead to certain failure. Through understanding, our mind apprehends the primary principles of reason. They lie at the basis of all science. They provide the incontestable proof of God's existence, of man's dependence on Him, and of his freedom and responsibility in the moral order.

Wisdom views the whole universe, and specially all human affairs and events of history, from the point of view of God, the ultimate reason of all existing things and their consummation at the end of times. Wisdom provides the exact measure of all human values: political, social, scientific, "*sub specie aeternitatis*", in the light of eternity.

Science is the knowledge of a restricted area of being or nature; and art, the intellectual ability of doing things artistically and beautifully. Both represent different forms of technical knowledge that avail man to make a livelihood and protect himself against want.

Prudence "*the recta ratio agibilum*", is "*the habit of right reason applied to our actions*" or right reason in the conduct of life. Prudence applies to the practical side of life the principles of Christian revelation and morals, the principles of wisdom and understanding. The importance of prudence in hu-

man life was stressed by St. Thomas Aquinas when he pronounced it "virtus maxime necessaria ad vitam humanam" (I II q. 57, a. 5)—the most necessary virtue in human life. The prudent man possesses all the virtues; the man who lacks prudence stumbles through life very much like a man walking in the dark.

The intellectual virtues are the bed-rock of Christian philosophy and Christian education. They have been tragically forgotten or rejected in the modern world and the result has been, in the words of Chesterton, that "the whole modern world is at war with reason and the tower already reels." (*Orthodoxy*, p. 65).

The Catholic school must find a way through its curriculum and textbooks and its teachers, to restore the forgotten habits of the mind, since without them the salvation of man is absolutely impossible. This amounts to say that the system of Catholic education must be thoroughly impregnated with the religious dogmas of our faith. Without faith it is possible for a person to succeed as a doctor, a lawyer, a politician, and yet fail as a man. He would fail to reach his supernatural end because the rays of divine truth never lightened his mind. No educated Catholic, therefore, should receive a religious training below his technical instructions. Significantly enough, in the Middle Ages, as Leo XIII asserts in his *Militantis Ecclesiae*, of August 1st, 1895, no one could be invested with any academic degree in any branch of science unless he had graduated first as doctor of Sacred Theology. The reason behind this is the fact that without faith the most learned man will have a distorted vision of the world, of human life, and of society. He will experience in his very soul the anxiety of the unsolved mysteries of freedom, sin, suffering, moral responsibility, the craving for immortality and the total emptiness of self.

## b) The Will and Emotions

Science, philosophy and art are no guarantees of moral goodness. One's doing good depends immediately on the will directed towards what is really and objectively good and not to the apparent good only. But even the good will alone, by reason of its object, is not a conclusive evidence of good conduct. Man is a living and mysterious paradox as both a great Roman poet and St. Paul experienced in themselves. "Video meliora proboque; deteriora sequor", wrote Ovidius (7 *Met.*, 20) And St. Paul: "Non quod volo bonum hoc

ago, sed quod volo malum illud facio." (*Rom. 7, 18-19*) "I see the good things and yet fail to do them." "I do not do the good things which I like, but rather the things that I detest." The practice of good is an arduous exercise, and therefore the answer to that living contradiction is to be found, according to St. Thomas Aquinas, in the overpowering attraction for the will of the *Summum Bonum*, the ineffable goodness of God. (C.G., III, 116) The conclusion that obviously follows from this experience is easy to see. The Catholic school will ignominiously fail in its mission if it fails to train the will of its pupils to the pursuit of what is morally good, to the practice of virtue.

The ultimate purpose of education, as we have seen before, is to prepare man for his supernatural destiny. That destiny is no other than the consummation in Heaven of the charity practiced by the Christian soul while in this world. Charity is infused by God without our cooperation, but its growth in depth depends on the ever increasing fervor with which we apply ourselves to the love of God, and of neighbour for His sake. To make this advancement in charity possible the will and the emotions have to be brought under the easy control of right reason enlightened by faith. Human nature carries certain inborn inclinations that are truly the roots of such moral virtues as justice, temperance, fortitude and many others. If they are made to grow by the constant repetition of their corresponding acts under the influence of grace, the will and emotions will naturally show themselves to be pliant and powerful instruments of charity.

Catholic schools can help in this process by exposing the students to the kind of instruction, religious practices, and good examples of piety and moral rectitude that will eventually lead to the formation of the moral virtues. The school will further promote spiritual growth of its students by inculcating into their minds the practice of those devotions which touch the central mysteries of Christian faith. The devotions I have in mind as the ideal religious exercises of all Christians are the following: devotion to the Most Blessed Trinity, to the Holy Eucharist, to the Sacrament of Penance, to the Passion and Death of our Lord, the Blessed Mother, and of course, to the Holy Ghost, who has been described, a dreadful thing to say, as the "Unknown God" of Christians, for being almost completely left out of daily Christian life, notwithstanding the fact that He is called by appropriation the Sanctifier. (A. Kinscher, *Dem Unbekannten Gotte*)

There is no other solution to the conflict between our egoism and the common good, between our ambition and the legitimate rights of others; to the difficulty of sacrificing our sense gratification to the dictates of right reason illumined by faith.

## II. THE RESPONSIBILITY OF THE CATHOLIC TEACHER

### a) The Exemplary Teacher

Catholic education is the work of the Catholic School. A school is Catholic not because it is officially known as such, is staffed with Catholic teachers and offers facilities for the reception of the Sacraments and the teaching of religion. It is Catholic when, as Card. Newman says, "The same spots and the same individuals are at once oracles of philosophy and shrines of devotion." (*Sermons Preached on Various Occasions, First Sermon*). In other words, the teacher of a Catholic school must be a **scholar and a saint**. This is not an exaggeration if we remember that we are destined to mould our pupils into the living image of Christ. We are the teachers that, according to Saint Paul, were sent "to build up the body of Christ, until we all attain to the unity of the faith and of the deep knowledge of the Son of God, to perfect manhood, to the mature measure of the fullness of Christ. And this he has done that we may be now no longer children, tossed to and fro and carried about by every wind of doctrine devised in the wickedness of men in craftiness, according to the wiles of errors." (*Ephes. 4, vv. 11, 13*). Nothing short of holiness will suffice to fulfill this mission.

The words of Pius the XI leave no shade of doubt about this point. "Perfect schools, he warns us, are the result not so much of good methods as of good teachers, who are thoroughly prepared and well-grounded in the matter they have to teach; who possess the intellectual and moral qualifications required by their important office; who cherish a pure and holy love for the youth confided to them, because they love Jesus Christ and His Church, of which these are the children of predilection, and who have therefore sincerely at heart the true good of family and country" (*Divini Illius Magistri*).

Long before that, Pius IX, in an Apostolic Brief to the Irish Bishops on March 20th of 1854, had said: "It will be the task of the Bishops to exert the most watchful care in providing that our divine religion will be the soul of the entire Academic education. Let all the branches of learning expand in the closest



alliance with religion." Years later, Leo XIII condemned the divorce of science from religion in the institutions of learning. In his encyclical *Militantis Ecclesiae* he wrote: "Igitur qui rerum cognitionem sic instituat ut nihil habeat cum religione coniunctum, is gemina ipsa pulchri honestique corrumpet, is non patriae praesidium, sed humanae generis pestem ac perniciem parabit." "Whoever undertakes to teach science without any reference to religion destroys the very roots of all that is beautiful and good; and works not for the security of the Fatherland, but for the collapse and disintegration of the human race." (ASS, 1897-1898, p. 7)

But how can the teacher prove equal to the heavy responsibility entrusted to him without turning the classroom rostrum into a pulpit? The answer lies in the personal way we understand, feel and live our faith. An outstanding rationalist of last century, the socialist Proudhon, admitted that there is no political, social or educational issue that does not bear some relation to Theology. This is true because all human actions start with God's premotion and must conform to His will. It is particularly true of science because it deals with the universe and its component elements, and God "is inseparable from the universe as a whole and from every part of it. Every atom of truth in every branch of knowledge has its source in Him, is of Him and belongs to Him. What is not of Him in any science is false and evil. Hence, all learning must be referred to Him and have Him as its background and criterion." (E. Lee, *What is Education*, p. 81). On the strength of this incontestable fact, Pius XI has again drawn for us the true pattern of Catholic teaching when he wrote: "It is necessary that all the teaching and the whole organization of the school, and its teachers, syllabus and textbooks in every branch, be regulated by the Christian spirit... so that religion may be in very truth, the foundation and crown of the youth's entire training; and this in every grade school, not only the elementary, but the intermediate and the higher institutions of learning as well. To use the words of Leo XIII: 'It is necessary not only that religious instruction be given to the young at certain fixed times but also that every other subject taught be permeated with Christian piety. If this is wanting, if this sacred atmosphere does not pervade and warm the hearts of masters and scholars alike, little good can be expected from any kind of learning, and considerable harm will often be the consequence.' In short, as a writer on Catholic education has expressed it: "a good Christian must think right-

ly on the problems of economics, property, literature, amusements, art and the rest; in a word, in all things that go to integrate a complete human life."

### b) Evaluation of Our Teaching

If we were to make now our own spiritual auditing, as Catholic teachers, we might ask ourselves: how efficient has our teaching been from the point of view of Catholic Education? Let every one of us answer this question in the sanctuary of his own conscience. There are symptoms, however, which are not very reassuring. As a fact, a renown theologian writing on Catholic education in a foreign country was bold enough to make this statement: "The failures of Christian education are normally multitudinous, sometimes scandalous, and occasionally spectacular" (J. C. Murray, S.J. in *The Christian Idea of Education*, New Haven: Yale University Press, 1957, p. 162). This view sounds too radical and I would not be too quick to subscribe to it. But is there no possibility that such an indictment might also apply in some measure to the kind of Christian education we have been practicing in our respective schools? Really one cannot help wondering why the mass of graduates going forth from Catholic schools every year, will not exert a more vigorous influence in the social, economic and professional circles of modern life. It was to be expected that they would act as leaven to bring about the upliftment of moral standards in public life. Yet, that transformation is not forthcoming, or at best is progressing at a very slow pace, if we are to believe the statements occasionally made by very responsible individuals of the community. What happens at times is that the graduates of Catholic Schools become themselves infected with the habits of the world. A pious and learned theologian, who was also a sagacious observer of human affairs, drew the following picture of the modern type of Christian that seems to fit many of the younger generation educated in Catholic schools. "The Christian of today thinks that he is living in what is to all intents and purposes a Christian civilization. Without misgivings he follows the current of social life around him. His amusements, his pleasures, his pursuits, his games, his books, his papers, his social and political ideas are of much the same kind as are those of the people with whom he mingles, and who may not have a vestige of a Christian principle left in their minds. He differs merely from them in that he holds to certain definite religious truths and clings to certain definite religious practices. But apart from this there is not any striking contrast in the outward conduct of life be-

tween Christian and non-Christian in what is called the civilized world in modern times. Catholics are amused by and interested in, the very same things that appeal to those who have abandoned all belief in God. The result is a growing divorced between religion and life in the soul of the individual Christian. Little by little his faith ceases to exercise a determining effect on the bulk of the ideas, judgments and decisions that have relation to what he regards as his purely 'secular' life. His physiognomy as a social being no longer bears trace of the formative effect of the beliefs he professes. And his faith rapidly becomes a thing of tradition and routine and not something, which is looked to as a source of a life that is real." (E. Leen, *The Holy Ghost*, p. 8) This is a sad picture. The probable explanation is the shallow if not altogether inaccurate training in Catholic dogma of some graduates of Catholic schools. Their ideas on morality, on the nature and rights of the Church, on the intrinsic fallacies of agnosticism and atheism, and on the false assumptions of Communism, are, to say the least, very nebulous and vague. Even in regards to plain Catechism, it is not uncommon to find graduates of Catholic institutions who mistake, for instance, the Immaculate Conception for the virgin birth of Christ. A graduate of a Catholic school had the wrong notion that miracle and mystery were synonymous terms. Another defined mystery as something "unbelievable which is true."

#### RESOLUTIONS FOR THE FUTURE.

My dear brethren and colleagues: the challenge is here; the responsibility is ours; the system of Catholic education is on trial; nay, we as educators are on trial. Our Christian life is being undermined in the name of science. If it falls, it will not be so much because of science as because of our failure to impart the Christian education we profess to do. Let us arise, therefore, and act in unison for the defense of our Christian heritage, the building of the body of Christ, the moulding of souls to His own image, as St. Paul wanted us to do. We are in the possession of truth and God is on our side. "The Catholic school must now be reborn. No bed of roses for them, no easy task to find out why they are and what they are to do now. High vision and wisdom and courage will be required if the schools are to find out what is their soul and their destiny, and if they are to live up to their aims. No time, now, says the first of Catholics (Pius XII), no time for mediocrity. No time now even for good men in the sense of not-bad men, merely neutral men, no time for them in society and not a ghost of time for them in the schools, in the persons of the educators who are

as instruments of learning or in the persons of the students who may be seen as in a measure the materials as well as the main agents of learning in and for a Christian society." (Ward, *Blueprint for a Catholic University*, p. 5)

We must awake therefore, and apply ourselves to the task with the boldness of the enemies of Christ and His Church; with the burning zeal that drove the Apostles to the conquest of the world for Christ; with the zeal of all the saints who spent their lives in the service of Catholic education; with the fervor of St. Dominic de Guzman, St. Joseph de Calasanz, St. Robert Bellarmine, St. John Baptist de la Salle, St. John Bosco, and many others. This is our overriding responsibility. The final outcome should be left to God. Our glory shall forever be to have had the rare privilege of knowing the truth, fighting for the truth, and, if necessary, dying for the truth. At the end of our career on earth God will address each one of us with the words of Jeremias: "Where is the flock which is given thee?" (Jer. 13, 20). Now is the time to prepare for that solemn occasion, that we may be able, on that fateful moment, to point out to our Christian students as to our best "talents", and cry in ardent supplication:

"Ecce ego et pueri mei." (Is. 8, 18)

"Here stand I, and these pupils the Lord has given me."

FR. JESUS DIAZ, O.P.

Dean, College of Education

University of Santo Tomas

Manila

## NATURE OF MARRIAGE

as reflected in

### CANON AND CIVIL LAWS

by

Fr. Excelso Garcia, O.P.

Price: ₱2.00

Order your Copies

at your leading

Catholic Bookstores in Manila

or at the

**NOVEL PUBLISHING CO., INC.**

(U.S.T. PRESS)

Espana - P. Noval Streets, Manila

## LA HUELGA ANTE LA MORAL CRISTIANA

(Continuación)

10. *Principios sobre la moralidad de la Huelga.* Averiguar la moralidad de cada huelga en particular exigiría sin duda un examen detallado de sus motivos, fines, desarrollo, eficacia y resultado, cosa que no entra en el plan de una Moral, y mucho menos de un artículo. Ni podemos dedicarnos a examinar la legalidad o ilegalidad de la huelga, porque para esto tendríamos que recurrir al Código Civil de cada nación para después establecer una comparación entre la ley y las circunstancias en que ésta o la otra huelga se ha desarrollado. Nos limitaremos por ahora a formular los principios generales que, a nuestro modo de ver, encajan en el marco de la moral católica.

A) *El derecho a la huelga en absoluto, no se puede negar.* "Este derecho, dice Guitart,<sup>71</sup> está admitido por la doctrina católica". En efecto, hasta el presente no consta que la Iglesia haya negado al obrero tal derecho. Ni hay economista católico o teólogo moralista que prive al obrero de recurrir a ese medio cuando no le convienen las condiciones desfavorables en que le ha colocado el patrono. Sabemos que el trabajo es una irradiación de la persona del obrero, y es cosa que nadie pondrá en tela de juicio que los obreros pueden dejar el trabajo cuando mejor les cuadre, siempre que no medie un contrato o pacto formal y explícito. Además, el obrero, por el mero hecho de trabajar no hipoteca su libertad en beneficio de la prosperidad industrial o nacional con menoscabo notorio de sus intereses personales, ni aún por pacto implícito. Escribía Concepción Arenal: "Yo no condeno las huelgas en absoluto...; pueden ser un derecho siempre que no se use de la violencia".<sup>72</sup>

<sup>71</sup> GUITART, S.I., *op. cit.*, pag. 182.

<sup>72</sup> CONCEPCION ARENAL, *Cartas a un obrero*, pag. 130.



B) *Economicamente, las huelgas son un mal grave.* Principio que se desprende ya de las palabras de León XIII, antes citadas y comentadas: porque la huelga daña al obrero, al comercio, al patrono y al Estado; y se deduce también teniendo en cuenta ya los efectos tan desastrosos que en el proceso de la huelga concurren, ya los males que produce y podemos resumir con Tanqueray:<sup>73</sup> Durante todo el tiempo de la huelga los obreros no perciben salario alguno, antes el dinero atesorado con el ahorro cotidiano han de gastarlo para el propio sustento y el de su familia; los dueños de la empresa no obtienen lucro alguno, teniendo además que emplear cuantiosas sumas para sostener los edificios y repararlos, para defender y conservar los instrumentos y maquinaria de la industria; los amos pierden oportunidad de dar salida a las mercancías no sólo durante la huelga sino también después, porque pierden muchos de sus parroquianos que se ven obligados a recurrir a otros fabricantes a quienes prefieren seguir haciendo el gasto y las compras. Y los mismos socios de las uniones ¿qué contribuciones pecuniarias no han de aportar con frecuencia para sostener la huelga y seguir con su propaganda? Además las vías de comunicación, muchas oficinas cerradas por las huelgas sufren gran desorganización. También la industria de la provincia o nación y su comercio se ven envueltos en grandes dificultades, y el número de los pobres aumenta considerablemente en toda la región. Ni son para callarse los males de carácter moral que suelen seguirse: el odio que disgrega a los ciudadanos, la corrupción de costumbres que brota espontáneamente de la prolongada ociosidad, los insultos a la religión, juntamente con algunos actos de violencia e injusticia atropellando a otras personas o los bienes materiales.

C) *Las huelgas tanto “defensivas” como “de mejora” pueden ser justas.*

a) Si no se quebranta el contrato del trabajo ni se reclama nada injusto, antes los obreros sólo procuran o defenderse de la opresión de que son objeto por parte de los patronos, como no encuentren por el momento otro medio eficaz cual sucede en la huelga “defensiva”, o mejorar por buenas y legales vías la propia situación material, es decir sin usar medios violentos o injustos, ni engaños ni asechanzas como se pretende en la huelga “de mejora”, entonces el derecho a la huelga es moralmente cierto y por tanto justo.

<sup>73</sup> TANQUEREY, *op. cit.*, Vol. II, n. 845.

b) Además, si el contrato del trabajo fué o se convierte después en injusto por parte de los patronos, v.gr. porque el salario es injusto o porque se impone al obrero trabajar en días festivos: ¿no proceden con justicia los obreros al defenderse de tales atropellos y opresión? Supongamos aún que el contrato en un principio ha sido justo; pero ya ha terminado el plazo del contrato, y los obreros, antes de reanudar el trabajo y el contrato reclaman un salario mayor dentro de los límites de la justicia; ¿no son ellos dueños de sí mismo para no aceptar las nuevas condiciones que el patrono proponga, y en consecuencia abstenerse del trabajo? Puede también suceder que el patrono al formular el contrato use de algún ardid o coacción, o después de hecho el contrato introduzca cambios o modificaciones tan desfavorables para los operarios que sobrevenga a éstos grave peligro de daño temporal, ¿no obran muy justamente los empleados dejando el trabajo como medio de legítima defensa?

c) ¿Es la huelga intrinsecamente mala? Negativamente responde el P. Prummer<sup>74</sup> con otros varios autores,<sup>75</sup> y con razón porque la huelga no es en sí inhonesta: la huelga ante todo significa cese en el trabajo por acuerdo común de los empleados; ahora bien, esa cesación no envuelve desorden alguno ya que el obrero o los obreros no están ligados a trabajar siempre por un patrono determinado. Más aún: el acuerdo o pacto de los obreros para dejar el trabajo no incluye injusticia, como ellos puedan consentir en el paro del trabajo con el fin de sacar ganancia y utilidad común en su favor.

d) Cuando los obreros reclaman justos derechos por vías más suaves, cuales son la mútua comprensión, un convenio pacífico con el patrono, la intervención de la autoridad, y todos esos medios resultan inútiles, entonces la huelga se convierte en una "guerra económica". Según los principios de Moral y Derecho, la guerra puede ser justa en muchos casos con tal de que se guarden las debidas condiciones; luego también la huelga y con mayor razón, ya que en la guerra civil o nacional acompañan acciones injustas como matanza de inocentes, destrucción de bienes ajenos, mientras que en la "guerra económica" de suyo no se realizan actos malos, como quiera que el abstenerse del trabajo no comprometido, o exhortar y persuadir a otros a seguir ese ejemplo por el mismo motivo, no son en sí acciones malas sino indiferentes.

<sup>74</sup> PRUMMER, *op. cit.*, n. 309.

<sup>75</sup> Cfr. ex. gr. GRENIER, *op. cit.*, n. 1143 a).

e) Que esos actos sean de suyo indiferentes y no malos, lo admiten la mayoría de los moralistas<sup>76</sup> puesto que de ellos se siguen dos efectos: bueno el uno y malo el otro, y con frecuencia se intenta el efecto bueno, como es “defenderse de las vejaciones y humillaciones, o buscar una posición social y material más satisfactoria”, que por afectar al bienestar espiritual y acercarse más a él, son superiores al efecto malo, es decir a las pérdidas materiales. En efecto, “si en tales circunstancias se negase a los obreros ese derecho, dice Tanquerey, apenas podrían defender por otro procedimiento los derechos propios de su clase y situación”.<sup>77</sup>

D) *Las huelgas muchas veces son injustas.* a) Ya porque falta una causa justa y grave para iniciarlas. Tal sucede cuando los obreros reclaman un derecho injusto, o no se ve la necesidad de recurrir a extremo, como acontece de ordinario en las huelgas políticas, y en las generales de todas las industrias; cuando los obreros buscan un *fin injusto* o depravado, como perturbar el orden político-social, exigir un salario indebido, o un salario que exceda el salario máximo, y pretender cualquier otra condición inicua que se oponga a la justicia comutativa.<sup>78</sup>

b) Ya porque se emplean medios ilegítimos, o sea por el modo injusto con que los obreros fomentan la huelga: por ejemplo si coaccionan a otros a particular en la huelga, o la declaran antes de haber expirado el tiempo del contrato, salvo el caso, dice Vermeesch, que los obreros deban recurrir a ella como defensa legítima contra alguna manifiesta injusticia. Injusta coacción es también si unos obreros por medio de la fuerza, engaños, mentiras, amenazas, fraudes, se esfuerzan por seducir a otros camaradas o les despojan de los derechos personales o les ocasionan perjuicios en sus personas y bienes.<sup>79</sup>

c) No son menos injustas las huelgas, si perdurando el “contrato del trabajo”, los obreros deciden sin grave motivo la huelga: el “contrato del trabajo” tiene todas las formalidades de un contrato de arrendamiento, imponiendo obligaciones por ambas partes que la justicia conmutativa exige guardar; así que ni el patrono ni el obrero pueden quebrantar el contrato por breve tiempo si no fuera por injusticia repentina e imprevista.

<sup>76</sup> TANQUEREY, *op. cit.*, ibidem; PRUMMER, *op. cit.*, n. 309; MERKELBACH, *op. cit.*, n. 586, I, 4.

<sup>77</sup> TANQUEREY, ibidem.

<sup>78</sup> VERMEESCH, *op. cit.*, n. 473.

<sup>79</sup> VERMEESCH, *op. cit.*, ibidem.

d) Por último, siempre que a la huelga acompañe alguna condición injusta, tendremos que declararla injusta: por ejemplo si se atenta contra la persona del patrono, si se inutilizan las fábricas o edificios, si se estropea la maquinaria; si se busca la venganza, incendiando la casa de los amos, la fábrica, o difamando las personas, etc., actos todos que veta el mismo derecho natural.

E) *Las huelgas "defensiva" y "de mejora" per se non son ilícitas.*

a) La huelga se distingue de la interrupción ordinaria del trabajo en que ésta se efectúa individualmente y privadamente aunque intervengan muchos obreros, mientras que la huelga exige la suspensión del trabajo prometida y concertada de antemano por los trabajadores. La individual interrupción del trabajo, no mediando contrato especial entre amo y operario, está legitimada moralmente por cuanto el obrero tiene libertad bien para arrendar su trabajo a quien quiera, bien para trabajar o cesar en su trabajo, toda vez que el trabajo es un aspecto dinámico de la persona del obrero que en manera alguna enajena su libertad por el mero hecho del trabajo. Luego la misma facultad moral subsiste aún cuando, previo acuerdo, el cese en el trabajo es simultáneo e incluye muchos obreros, porque el más y el menos no muda la especie moral del acto.

b) Muchas veces, dice Guitart con muchos moralistas, la huelga es la única arma con que cuentan los obreros; y no se les puede prohibir se sirvan de ella para tutelar sus intereses y evitar la violación de sus derechos, aunque por otra parte sea arma muy peligrosa, y se vuelva a menudo contra los mismos que la esgrimen.<sup>80</sup>

c) Se objetará que el patrono será víctima de graves daños materiales. Claro que sí; pero el obrero no intenta ese fin; así que tales consecuencias, desfavorables para el amo, sí son voluntarias en el obrero que las prevee, pero son involuntarias indirectamente como el obrero se proponga ante todo su defensa o su mejoramiento familiar y social; y ya sabemos que el voluntario indirecto es lícito concurriendo una causa que esté en proporción con el bien que se busca.

d) Aquí también tiene aplicación aquel otro principio de moral: Entre dos males que vienen a la vez, se ha de preferir el

<sup>80</sup> GUITART, *El Trabajo*, p. 121, citado por IRURZUN, *op. cit.*, p. 133.

menor. Tenemos en nuestro caso por un lado daños materiales que acarrea la huelga, y por otro lado la opresión y situación desfavorable del obrero: siendo este segundo de mayor transcendencia por cuanto afecta a derechos más nobles y a mayor ramo de la sociedad, es preferible que los daños materiales sean tolerados y permitidos para evitar los segundos.

e) Se nos dirá que la huelga resulta muchas veces ineficaz para las pretensiones del obrero y que aún los obreros han de sufrir gran penuria. A ello se responde que la historia de las huelgas en lo que llevamos de siglo atestigua que después de soportar privaciones y sacrificios, muchas veces la clase obrera alcanzó notables beneficios y ventajas en las huelgas legales; y el temor de que la huelga se prolongue o prevalezca movió a los patronos a otorgar al obrero aquello que sin detrimento de su negocio, podía concederle.<sup>81</sup>

f) La moral cristiana predica que se dan males físicos y morales dignos de reproche en absoluto; pero también enseña que existen muchos males que se pueden permitir o porque son inevitables o porque son necesarios para estorbar otros males mayores. Así por ejemplo "matar al inocente" es malo en absoluto; en tiempo de guerra difícilmente se evitará el despojar de la vida a muchos inocentes. Recurso necesario para evitar el naufragio puede muy bien serlo arrojar de la nave las mercancías y los víveres necesarios para el viaje. ¿No se puede decir otro tanto de la huelga, cuando la clase obrera recurre a ella por falta de otras medidas que remedien su indigencia o degradación? Si llega a ser un "mal necesario", su licitud en tales casos queda salvada.

g) Dificultad especial surge respecto de las huelgas que afectan al "bien o servicio público", como correos, ferrocarriles, alumbrado eléctrico, etc. Punto es éste en que los autores difieren también. Algunos sociólogos, como Froilan León<sup>82</sup> y Grenier<sup>83</sup> las consideran como ilícitas, porque en "ellas el uso de la actividad individual está condicionado por el derecho colectivo que debe predominar sobre el primero". D. Antonio Maura<sup>84</sup> las juzga "lícitas en cuanto son ejercicio del derecho elemental de propiedad en el obrero", pero "ilícitas en cuanto trascienden

<sup>81</sup> Cfr. ESPASA CALPE, *Enciclopedia Universal*, art. "Huelga".

<sup>82</sup> FROILAN LEON, art. publicado en 22, julio, 1916 en "Lectura Dominical", citado por IRURZUN, *op. cit.*, p. 134.

<sup>83</sup> GRENIER, *op. cit.*, n. 1144, Scholium.

<sup>84</sup> D. ANTONIO MAURA, Discurso en el Congreso de Diputados, citado por IRURZUN, *loc. cit.*



a la vida pública porque equivale a tomarse los particulares la justicia por su mano, y degeneran casi siempre en revolucionarias".

Nosotros, con varios moralistas, las admitimos como lícitas, sobre todo siendo "defensivas";<sup>85</sup> porque ya se trate de un patrono particular, ya de una sociedad o compañía, ya del Estado, los obreros, mientras no contravengan algún contrato, mientras se tengan a los usos y costumbres profesionales que tienen fuerza de cuasi-contratos, están en su derecho de cesar en el trabajo siempre y cuando que no violen las obligaciones de caridad hacia el patrono. Otra razón: la conveniencia de la vida nacional no deroga el derecho justo del obrero que se niega a colaborar con su trabajo en una situación económicamente desfavorable.

Nos parece muy razonable la observación que hacen todos los defensores de esta última sentencia: Que, habidos en consideración los inminentes y gravísimos males que siguen inmediatamente a este género de huelgas, rarísima vez serán lícitas en la práctica; y que el Estado, a quien toca velar constantemente por el bienestar público y la tranquilidad social, puede y debe dar leyes prohibiéndolas porque como dice el Estagirita: "El bien del pueblo y de la colectividad debe anteponerse al bien de un particular o de una clase de la sociedad."<sup>87</sup>

F) *Las huelgas "defensiva" y "de mejora" son lícitas si concurren las cuatro condiciones siguientes:*

a) Se requiere un *fin legítimo* con fundada esperanza de conseguirlo, esto es, que los obreros tengan la justicia de su parte; porque si algún contrato o cuasi-contrato les obliga a trabajar, no pueden suspender colectivamente el trabajo sin menoscabo de la justicia, excepción hecha del caso en que el patrono violare notablemente las cláusulas del contrato. Faltando un fin legítimo, la huelga será injusta, porque se apoya en condiciones o pretextos injustos. Y se falta esperanza fundada de obtener ese fin, sería grave temeridad exponerse a tan fatales consecuencias no compensadas con el éxito dudoso e incierto. Por eso el bien buscado con la huelga ha de ser de suma importancia, y la esperanza de conseguirlo apoyada ha de estar en sólido fundamento o en razones de cuantía;

<sup>85</sup> Cfr. ex. FANFANI, *op. cit.*, n. 502. Guisasola en su Pastoral "Justicia y caridad", citado por IRURZUN, *op. cit.*

<sup>87</sup> Cfr. FANFANI, *op. cit.*, *ibidem*.

b) *Una causa justa y grave, igual o mayor* que los inconvenientes que trae la huelga. Quiere decir: Que se aquilaten prudencialmente los daños que han de producirse con ocasión de la huelga y los beneficios que se pretenden, y parangonados ambos, pesen más en la balanza de la apreciación justa los posteriores que los primeros. Y si la primera condición pide buscar un bien notable, tanto mayor ha de ser éste cuanto los males que se teme puedan sobrevenir sean mayores. Por este concepto, dice Merkelbach, “no son lícitas ordinariamente las huelgas que se promueven para ganar el voto de los obreros o para privar del trabajo a los obreros que no estén asociados a los gremios o sindicatos obreros”;<sup>88</sup>

c) Que el recurso a la huelga se haga por falta de *otros medios mejores, más pacíficos y más suaves*, porque existiendo éstos, la huelga no es necesaria. Según muchos moralistas y sociólogos, la huelga se equipara a una *guerra* entre amos y empleados. Si la guerra no es lícita a no ser cuando faltan otros medios con los cuales se pueda obtener la restauración de la justicia, fin de la guerra, otro tanto cabe decir de la huelga. También hemos dicho que entre dos males inevitables, siempre se ha de elegir el mal menor. Como quiera que la huelga suele ir acompañada de muchos y grandes males económicos y morales, sería irracional y una aberración hacer uso de ella cuando por otros medios más benignos y fáciles pudiera conseguirse el fin deseado. Es pues necesario agotar antes todos los medios pacíficos, como persuadir a los patronos y obreros a tomar un acuerdo o arreglo mútuo, apelar a los jueces y árbitros para que hagan justicia a ambas partes, recurrir a la autoridad que por sí o por el ejército puede apaciguar los espíritus exaltados y rebeldes de la clase obrera. Dados los males que la huelga origina para la sociedad, para los patronos y para los mismos obreros, la omisión voluntaria de esos procedimientos pacíficos para conjurar los lamentables conflictos, convierte a la huelga en un medio que de consuno reprueban la moral y la misma justicia. Muy bien dice Lárraga: “En la huelga se requiere que la resolución esté tomada no por un ímpetu ciego de pasión, sino por parecer de una junta *ad hoc*, si la hubiese, o al menos con parecer y consejo de hombres de ciencia y conciencia”.<sup>89</sup>

d) Que nunca se empleen *medios violentos o injustos*. Porque nunca es lícito usar de medios ilegítimos para lograr un fin bueno: nunca se puede manejar el mal para obtener bienes. Por

<sup>88</sup> MERKELBACH, *op. cit.*, ibidem.

<sup>89</sup> LARRAGA LUMBRERAS, *op. cit.*, n. 735.

ende “es preciso respetar siempre el derecho de las personas y de la propiedad”, escribía Guisasola, y considerar como procedimientos reprobables, irracionales e injustos, dignos de condenación sin contemplaciones con energía saludable las amenazas irritantes, los vandálicos atropellos contra los obreros que en uso de su derecho desean continuar en su trabajo, la destrucción de las fábricas, maquinaria y demás medios de producción”.<sup>90</sup>

G) *Las huelgas son ilícitas en muchísimos casos.*

a) Cuando no tienen la justicia como fundamento, es decir “cuando el derecho de los obreros no sea moralmente cierto”. ¿Por qué? Porque emplear un mal económicamente tan grave como la huelga, en contra de las exigencias de la justicia, significa pisotear el derecho natural sobre los contratos y posponer “el derecho a trabajar” al “derecho a holgar”, e implica además una falsa idea de la “libertad del trabajo”, que no es absoluta, como no lo es ninguna libertad, sino que todas están sujetas a la gran ley de la justicia. “La libertad del trabajo no autoriza al zapatero para machacar la suela en el teatro real mientras se canta un aria, ni autoriza trillar la paja en la vía pública, interceptando el paso”, escribía Concepción Arenal.<sup>19</sup>

b) Cuando la huelga *no está justificada por un fin honesto y de probable obtención*. Porque el acto moral recibe su moralidad no sólo del objeto sino también de las circunstancias, en particular del fin, y para que sea lícito o bueno moralmente ha de ser bueno “ex integra causa”, es decir atendidas todas las causas. Así son “ilícitas las huelgas que se organizan para perturbar la ciudad, escribe Vermeersch; y los que se adhieren a tales huelgas pecan gravemente como cooperadores de la perturbada tranquilidad de la república”, y las huelgas en que los obreros buscan un salario mayor que el salario justo en su escala suma.

c) Si se procede en la huelga con *medios injustos o inhonestos*, descuidando los menos dañosos, escribe Arregui,<sup>92</sup> porque nunca es lícito manejar los instrumentos venenosos del mal para que vengan bienes, como sería fomentar la huelga estropeando las mercancías, difamar a los amos, levantar calumnias, obligar

<sup>90</sup> IRURZUN, *op. cit.*, pag. 132.

<sup>91</sup> CONCEPCION ARENAL, *op. cit.*, pag. 131.

<sup>92</sup> ARREGUI-ZALBA, *Compendio de Teología Moral*, n. 231.

a otros operarios a asociarse a la huelga recurriendo a engaños, castigos, amenazas, etc.

d) Si no concurre una *causa proporcionada* a los trastornos que ordinariamente suelen seguirse de las huelgas. No es moralmente lícito: o bien querer o bien permitir el mal de otros sin una razón suficiente y sin causa justificable que iguale al mismo mal, porque el efecto malo aunque no sea directamente procurado por el agente, con todo es un mal, y tratándose de actos morales no se debe obrar el mal material, es decir el pecado material ni exponerse al peligro grave de pecado formal. Así que antes de iniciar la huelga, es necesario comparar los desastres que cortejan a la huelga con su misma causa final; la cual causa ha de ser tanto más poderosa cuanto los trastornos indirectamente ocasionados sean mayores, o cuanto la huelga influya más directamente en ellos, o cuanto con mayor posibilidad han de sobrevenir, o cuanto los obreros podrían evitarlos prescindiendo de la huelga y recurriendo a otros medios más tolerables para conseguir su intento.

e) Si *se violan las leyes de cada nación sobre la huelga*. Ya vimos anteriormente cómo la opinión de aquellos autores que niegan al Estado el derecho a prohibir las huelgas parece contraria al contenido de las dos encíclicas Sociales que confieren al Estado toda autoridad para arreglar los problemas de la cuestión social, porque siendo la autoridad civil la encargada de sostener el bienestar público, fácilmente ella misma puede conjeturar la gran perturbación que la anormalidad de una industria lleva consigo, el hondo quebranto que causa a la economía nacional el paro de un género de oficinas o negocios, el padecimiento que impone indebidamente a numerosas clases sociales ajenas a las causas originarias del conflicto, la suspensión de algunas empresas y el riesgo que entraña por la duración y el anuncio de otras huelgas que coinciden con la paralización de una clase de fábricas o establecimientos.

Por otra parte, ¿quién mejor que la autoridad civil puede dirimir las contiendas entre las diversas clases sociales? Y si el Estado no tuviera autoridad y poder sobre cuestión tan importante en la vida nacional y social, ¿qué otra autoridad sería competente en materia tan intimamente conectada con el bien público y material de los ciudadanos? Por eso si al Estado le compete legislar en materia tan de su incumbencia, el mismo Estado en particular puede regular, controlar, prohibir, o condicionar las huelgas. Y en consecuencia, si el Estado o el De-

recho Civil tienen previstas las normas a seguir en la declaración de las huelgas o si las han sancionado o vedado en sus Códigos, será totalmente ilícito tanto el traspasar dichas leyes como el quebrantarlas sin escrúpulo alguno. Así el Estado estará muy en su derecho si prohíbe, como lo ha hecho en algunas naciones, las huelgas de funcionarios de Correos, por ejemplo, de empleados de transportes, servicios de agua, luz y otros cuya interrupción originaría innumerables perjuicios a toda clase de personas y pondría en grave riesgo la seguridad pública.

## CONCLUSION

La síntesis de cuanto hemos expuesto podría compendiarse en estas dos proposiciones:

*Primera:* "Una huelga puede ser legítima cuando no pueda otro remedio para mantener el derecho. En una sociedad bien ordenada no debiera existir; pero desgraciadamente, lo mismo la huelga que el lock-out contrario, cuando no tienen otro medio de ejercitar su derecho, serán un medio legítimo de defenderlo". Pero "la huelga ha de tener sus límites: tiene que tener el límite de la libertad del trabajo de los demás para no imponerse violentamente, porque eso será una forma de esclavitud; y tiene que tener un límite en aquella clase de servicios, no sólo públicos, sino sociales, en que sufren detrimento otras clases que no han entrado en el litigio. Porque sin esos límites sería el predominio de una clase, el predominio de una forma de trabajo sobre todas las demás y hay que tener en cuenta no sólo los litigantes, los que luchan en la contienda, sino aquellas otras clases que tienen interés en ella, que prestan sus recursos para los impuestos del Estado, para la protección jurídica, para la protección sanitaria; y no hay derecho a que por un agravio, a veces pequeño y menudo, se produzcan por un paro, un trastorno que alcance a clases enteras que tenían interés, que tenían derecho a mantener la paz para defender las categorías de su trabajo".<sup>93</sup>

*Segunda:* Teóricamente hablando las huelgas, sobre todo la *defensiva* y la *mejorativa*, son justas y lícitas, pero en la práctica rara vez lo son, ya por faltar alguna de las condiciones requeridas para la licitud, ya por ir casi siempre revestidas de alguna circunstancia que las convierte en ilegítimas o injustas.

FR. V. VICENTE, O.P.

S.Th.Dr. — UST Professor

<sup>93</sup> VAZQUEZ DE MELLA, *Obras completas*, loc. cit.



## SECCIÓN PASTORAL

### HOMILETICA

#### DOMINGO XXIV DESPUES DE PENTECOSTES (5 de Noviembre)

El Evangelista San Mateo nos refiere cómo los Apóstoles y el Señor, con ellos, fueron cogidos por una repentina y fuerte tempestad de las que frecuentemente ocurren en el lago de Genesaret. El Salvador estaba dormido y a los tímidos apóstoles, de miradas siempre humanas, no se les presentaba otra solución que el naufragio. Llenos de terror despiertan al Maestro, quien con una sola palabra acalla las bravas olas y los vientos impetuosos, dando así a los discípulos una prueba más de su dominio sobre todos sus elementos, fácil y natural para El como Creador Todopoderoso.

*Tema: El primer artículo del Credo: Creo en Dios Padre, Todopoderoso, Creador del cielo y de la tierra.*

I.—*Creo en Dios Padre, Todopoderoso.* La majestad de Dios se designa con frecuencia con el nombre de *Todopoderoso*. Dios puede hacer todas las cosas que no implican contradicción. Compárese la debilidad y miseria del hombre con el poder de Dios.

El *Credo* hace mención solamente de la '*omnipotencia*' de entre todos los atributos de Dios, porque el reconocimiento de este atributo divino nos dispone a admitir y profesar los maravillosos misterios que siguen en el mismo *Credo*, y además porque éste es el atributo que más fácilmente comprende el promedio de los hombres.

El *Credo* atribuye la omnipotencia a Dios Padre solamente, porque El es el principio de las otras divinas Personas. El Hijo y el Espíritu Santo también son omnipotentes, siendo iguales en todo al Eterno Padre.

II.—*Creador del cielo y de la tierra.* Dios creó el universo entero de la nada. Lo creó, no por necesidad alguna propia, ni para acrecentar su propia felicidad, sino para comunicar algo de sus perfecciones a las creaturas por medio de un acto peculiar de su infinita bondad.

Dios creó no solamente el cielo y la tierra, esto es el firmamento y los cuerpos celestes, las montañas, los valles, mares, continentes, etc., sino que creó también todos los seres vivientes que los habitan, como

son las plantas, los animales, los hombres y los ángeles. En una palabra, El creó todas las cosas, las visibles y las invisibles.

Aunque Dios Creador existe desde toda la eternidad, la creación sin embargo no es eterna, sino que tuvo lugar en el tiempo.

*Conclusión:* El pensamiento de la divina Omnipotencia debe llenarnos de gran confianza cuando tratamos de conseguir algún favor de Dios por medio de la oración. Un hermoso ejemplo es el que hoy nos proporcionan los Apóstoles amedrentados por la huracanada tempestad en medio del mar.

La contemplación de la hermosura, armonía y variedad de la creación debe ser motivo para aumentar nuestra fe y llevarnos a glorificar al Creador en sus obras admirables.

#### DOMINGO XXV DESPUES DE PENTECOSTES (12 de Noviembre)

Jesucristo compara a su Iglesia en el Evangelio de hoy a un campo en el que se ha sembrado la buena semilla. El significado de esta parábola, explicado por El mismo después, nos da a entender que en la Iglesia de Dios siempre habrá hombres buenos y hombres malos. La presencia de algunos malos elementos en la Iglesia no destruye sin embargo su hermosura, ni empaña su santidad, y al fin de los tiempos El pondrá juntos a estos malos hijos de la Iglesia para arrojarlos al fuego eterno. La Iglesia es, pues, *santa* a pesar de los malos que pueden encontrarse en su seno.

*Tema:* *La Iglesia es santa en su Fundador y en su doctrina, en los medios de santificación que posee, y en sus miembros.*

*Santidad de su Fundador y de su doctrina.* Al contrario de los fundadores de las distintas sectas existentes en el mundo, que fueron y son meramente humanos y, en la mayor parte de los casos, pecadores notorios, el fundador de la Iglesia Católica fué Jesucristo, fuente de toda santidad.

Las enseñanzas de la Iglesia forman un cuerpo de *doctrina santa*, pues jamás se ha apartado de los Mandamientos de Dios, ni ha cesado jamás de urgir en los hombres la necesidad de practicar las obras buenas y aconsejarles la más elevada perfección. La Iglesia ha sufrido toda clase de persecuciones y se ha sometido a la pérdida de naciones enteras, antes que traspasar la ley de Dios. "*Debemos obedecer a Dios antes que a los hombres*", fue siempre su principio inconcuso. Compárese la conducta de Lutero, que permitió a Felipe de Hesa tener dos mujeres, con

el proceder del Papa Clemente VII, que excomulgó a Enrique VIII antes que permitir anular su matrimonio.

*Medios de santificación.* La Iglesia Católica está dotada de los siete Sacramentos y del Sacrificio de la Nueva Ley, que son los principales canales de la Gracia y de la santificación.

Solamente en la Iglesia Católica encontramos un uso completo y adecuado de los Sacramentos, de las fiestas y demás observancias y devociones por medio de las cuales nuestro espíritu se eleva a la consideración de las cosas del cielo y la santidad se nos hace más atractiva y deseable.

*Santidad de sus miembros.* Solamente en la Iglesia Católica se encuentran personas de toda edad y condición, cuya santidad ha sido testimoniada por Dios en una forma o en otra por medio de los milagros, cuyo resultado ha sido la elevación a los altares con su canonización o beatificación. El número de los santos Confesores, Mártires, Vírgenes y Mujeres Santas inscritos oficialmente en el libro de los santos es innumerable.

Existe además en la Iglesia Católica una gran multitud de almas santas que, aunque sin ese don de Dios que llamamos milagro, poseen una santidad extraordinaria, que excede a cualquier otra que pueda encontrarse fuera de la Iglesia: tales son los sacerdotes, miembros de Ordenes Religiosas, abnegados misioneros, devotas personas de frecuente y diaria comunión, etc.

Si no todos los miembros de la Iglesia son santos, es porque, como nos explica Jesucristo en el Evangelio de hoy, la cizaña crece junto al trigo. Recordemos que en la compañía del mismo Maestro hubo un traidor.

*Conclusión:* Todos los miembros de la Iglesia son llamados e invitados por Dios a la santidad. Lo que nosotros debemos hacer es esforzarnos por vivir según esta gran vocación poniendo en práctica las enseñanzas de la Iglesia, haciendo uso de los Sacramento y demás medios de santificación que la Iglesia santa de Dios nos ofrece, estudiando la vida de los santos y tratando de imitar los ejemplos de los buenos.

#### DOMINGO XXVI DE PENTECOSTES (19 de Noviembre)

Si en la parábola de la buena semilla del domingo precedente significábase la santidad de la Iglesia, en la parábola de hoy sobre el grano de mostaza representase el grandor externo de la Iglesia que, no obstante su humilde comienzo, está ahora extendida por el mundo entero. Muchas personas no llegan a comprender que la Iglesia ha de ser Católica o

universal y que solamente la Iglesia cuya cabeza está en Roma es la que puede reclamar esta característica del Reino de Jesucristo.

**Tema:** *La Iglesia de Jesucristo debe ser Católica; la Iglesia Romana es la única Católica.*

I.— *La Iglesia de Jesucristo debe ser Católica.* La Catolicidad es una señal distintiva de la verdadera Iglesia en virtud de la cual, permaneciendo una e indivisa, es al mismo tiempo universal, esto es, los miembros son lo suficientemente numerosos para hacerla conspicua y se les encuentra diseminados por todas las partes del mundo.

Ya fue anunciado en el Antiquo Testamento que la Iglesia de Jesucristo sería universal. "En tu semilla serán bendecidas todas las naciones de la tierra" (*Gen. XXII, 18*). Daniel tuvo la visión de la Iglesia en una piedrecita que llegó a agrandarse hasta formar una gran montaña que ocupaba todo el mundo (*Dan. II, 35, 44*). Malaquías predijo que desde la salida del sol hasta su ocaso el nombre de Dios sería grande en medio de los gentiles (*Mal. I, 11*). Jesucristo mandó a sus discípulos que enseñaran el Evangelio a todas las naciones (*Matth. XXVIII, 19*).

La universalidad de la Iglesia no había de ser instantánea, sino el resultado de un crecimiento gradual, comparado al de la semilla de mostaza de que nos habla el Evangelio de hoy. Aun en el tiempo de los Apóstoles la Iglesia comenzó a propagarse por el mundo conocido. Después del Concilio de Jerusalén cerca del año 51 los Apóstoles se dividieron el mundo y se separaron para predicar el Evangelio.

II.— *La Iglesia Romana es la única Católica.* Solamente la Iglesia de Roma es la Iglesia de todas las naciones, una en sus doctrinas, en su culto y en su gobierno. Roma es su centro y su circunferencia llega hasta las extremidades de la tierra.

La gran mayoría de los cristianos son católicos. La Iglesia de Roma posee más seguidores que todas las otras sectas juntas. El nombre católico le ha sido dado a la Iglesia Romana desde su principio hasta el presente, y a ella solamente.

**Conclusión:** Al igual que la Iglesia, sus miembros deben ser católicos, es decir que todos deben trabajar, por medio del buen ejemplo y de la oración, atendiendo a las misiones y a la religión doméstica, para que la palabra de Dios se propague y dé nuevos frutos, atrayendo a todas las gentes al reino de Jesucristo.

#### DOMINGO XXVII DESPUES DE PENTECOSTES (26 de Noviembre)

Hoy es el último Domingo del año eclesiástico, describiéndonos el Evangelio la destrucción del mundo y las circunstancias del juicio que

se ha de seguir. Triste y descorazonado Jesucristo por la oposición que encontraba de parte de los Escribas y Fariseos, reveló a sus discípulos, que admiraban la grandeza del templo, la gran catástrofe que había de sobrevenir. ¿“Veis todas esas cosas? En verdad os digo que no quedará piedra sobre piedra sin ser destruida”. Más tarde, preguntado por los discípulos, sobrecogidos de terror, sobre el tiempo en que sucedería su predicción y las señales previas que la acompañarían, pronunció las terribles profecías que relata el Evangelio de hoy. Avisos y profecías que fueron cumplidas al pie de la letra pocos años después y que serán cumplidas en mayor grado cuando llegue el fin de los siglos.

*Tema: El fin del mundo y el juicio universal.*

I. — *Las señales del último juicio son:* la predicación del Evangelio en todo el mundo; una gran deficiencia en la fe; aparición del Anti-Cristo. Estas señales serán las indicaciones de que se acerca el fin de todo; pero debemos recordar, como nos dice Jesucristo (*Matth. XXIV, 36*), que el día del juicio nos es desconocido y que vendrá tan repentino como un relámpago y tan inesperado como un larón que nos asalta por la noche.

II. — *El Juez será Jesucristo.* El poder de juzgar a los hombres es común a las tres Personas de la Ssma. Trinidad, porque Dios es el que dió la ley que gobierna nuestras acciones y porque todos nosotros somos igualmente siervos suyos. El ejercicio de este poder está especialmente comisionado a Jesucristo en cuanto hombre. El mismo así lo ha declarado muchas veces (*Matth., III, 12; XIII, 30, 48; XXV, 32; Joann. V, 26, 27*). Así es conveniente para que el Juez sea visible a los hombres y para que Aquel que fue juzgado injustamente por los hombres sea el que ahora se siente en su trono para juzgar a todos ellos.

III. *La última sentencia.* La sentencia pronunciada para los buenos será: “Venid (a la visión de Dios) vosotros bienaventurados (del trabajo al descanso, de la guerra a la paz, de la tristeza y las lágrimas a la alegría y al gozo) a poseer el reino que os está preparado (la eternidad del cielo)”. La condenación de los malos será: “Apartaos de Mi (pena de daño), malditos (privación de todo bien espiritual), id al fuego eterno (pena de sentido y eternidad del infierno)”.

*Conclusión:* Necesitamos considerar frecuentemente lo transitorio del mundo y de todas las cosas terrenas. Pensemos que nuestro juicio será en conformidad con nuestra vida. Pidamos a Jesucristo que los trabajos y sufrimientos a que fue El sometido por nosotros no sean en vano y que nos asista con su gracia para que no se vea en la necesidad de condenarnos.



## CASOS Y CONSULTAS

## MARRIAGE LICENSE AND PRE-NUPtIAL INVESTIGATIONS

*The church requires that before a marriage is solemnized, the parish priest must be ascertained morally of the free status of the contracting parties and therefore that there exists no obstacle to its valid and lawful celebration, (c. 1019).*

*In countries like the Philippines, where the civil law requires the marriage license issued and approved by the local civil registrar to be presented to the pastor previous to the religious ceremony, the question can be raised as to whether the data included in the license could be used by the pastor in the pre-nuptial investigations prescribed and conducted by the church.*

*The question therefore goes this way: Can a pastor rely entirely on the data included in the civil marriage license, say age, parental consent, impediments . . . , and omit any further investigations being at the same time morally certain of the freedom of the parties to contract marriage?*

### A PARISH PRIEST

This problem traces back to the origin of civil marriage itself. In the eighteenth century there were authors who opined that the testimony of the civil magistrate on the free status of the contracting parties issued on the occasion of the civil marriage evinced sufficiently the freedom of the parties and therefore the pastor needed no further exploration in this sense, but rather it was logical and safe for him to admit them to the religious ceremony.

At that time the question remained open to discussion. It was just a matter of opinion, but since 1873 the discussion has been definitely settled by the Holy Office, and its decision still stands. The decision came out in the way of an answer to a "*dubium*" proposed to the Holy Office for solution. It goes thus: "Personae fide dignissimae, etiam ecclesiasticae, referunt in Gallia moraliter impossibilem esse celebrationem matrimonii in ecclesia, quin prius locum habuerit matrimonium civile coram Syndico loci. Nunquid ergo pro Galliis sufficeret attestatio Syndici (local civil registrar), an vero requiratur eodem modo fides data ab auctoritate ecclesiastica?. Ad lam. partem *negative*; ad 2am. *affirmative*."

Does this decision mean that the pastor must disregard the evidence gathered in the marriage license, v. gr. age of the parties, parental consent,...? No. The pastor can use such evidence, but he can not rely on it and be rest assured that the grave obligation to investigate thoroughly to determine the free status of the parties has been satisfied.

First of all the pastor should realize that he is acting as a public notary, and his letter of freedom must be a report on an investigation carried through by positive arguments, and not a mere statement to the effect that as far as it appears in the civil license there is no obstacle to the marriage. In this sense the pastor can not trust the age as stated in the marriage license, but he must go through the birth or baptismal certificates.

"The examination must be made by the pastor personally unless a sound reason excuses him; and he is not dispensed from his task even though he is morally certain that nothing stands in the way of the lawful and valid celebration of marriage," (*S. C. de Sacram.*, jun. 29, 1941; AAS, XXXIII, 297).

Further more, civil legislations oftentimes openly contend against the ecclesiastical precepts on marriage, or at least the laws enforced by both legislative systems do not meet as to its meaning and extent. That would be the case for instance with the impediments of crime, existing bond, fear and force, impotency,... interpreted differently by civil and ecclesiastical laws. So even though the license ascertains of the freedom of the parties, say as far as existing bond or previous marriage is concerned, the pastor can by no means rely on its testimony but instead he must investigate thoroughly the case in accordance with the Church procedure. After all, it would be illogical and unfair to accept as definitive and decisive the testimony given

by a state law which often legislates on matters exclusively pertaining to the domain of the Church.

FR. FLORENCIO TESTERA, O.P., J.C.D.  
U.S.T. Professor

## FASTING AND ABSTINENCE ON THE VIGILS OF THE IMMACULATE CONCEPTION AND OF CHRISTMAS

*Will you please give a brief commentary concerning the law of Fasting and Abstinence on the Eves of the Immaculate Conception and of the Nativity of our Lord according to the latest norms given by the Holy See? Is said law compulsory on Christmas Vigil this year?*

A PRIEST

We are delighted to please our consultant, though we intend to be very brief in giving some observations regarding the matter. To be clearer we will transcribe the pertinent documents issued by the Holy See on this subject.

I. Starting with the Eve of the Immaculate Conception, we have the Decree given by the Sacred Congregation of the Council on July 25, 1957, that runs as follows:

OBLIGATIO LEGIS IEIUNII ET ABSTINENTIAE PERVIGILIO DEIPARAE IN CAELUM ASSUMPTAE STATUTA, DEINCEPS UBIQUE AD PERVIGILIUM FESTI IMMACULATAE CONCEPTIONIS B. MARIAE V. TRANSFERTUR.

Cum plures Ordinarii, ex variis quidem Nationibus, Apostolicae Sedi significaverint difficultates quae, ob locorum et temporum adiuncta, continenter obstant fidei observantiae legis ieunii et abstinentiae pervigilio Festi Deiparae in Caelum Assumptae statutae, Sacra Congregatio Concilii, omnibus mature perpensis, de speciali Summi Pontificis mandato, praedictam obligationem deinceps ad pervigilium Festi Conceptionis Immaculatae Beatae Mariae Virginis, pro omnibus Christifidelibus ubique terrarum commorantibus, praesenti Decreto transfert.

Contrariis quibuslibet non obstantibus, etiam speciali mentione dignis.

Datum Romae, die 25 Julii 1957.

P. CARD. CIRIACI, *Praef.*

L. ✚ S.

F. ROBERTI, *a Secretis.*

The essential points contained in this Decree are the following: 1) it makes a *general* transfer of the obligation for an *undetermined* period of time: the words "*deinceps ubique... transfertur*" used in the title, and "*deinceps... pro omnibus Christifidelibus ubique terrarum commorantibus... transfertur*" of the text, indicate it clearly. 2) The Holy See is the one who makes such a transfer: "*Sacra Congregatio... de speciali mandato Summi Pontificis... transfert*". 3) The obligation of fasting and abstinence on the Eve of the Assumption is transferred to the Eve of the Immaculate Conception: "*praedictam obligationem (legis ieiunii et abstinentiae pervigilo Festi Deiparae in Caelum Assumptae statutae) deinceps and pervigilium Festi Conceptionis Immaculatae Beatae Mariae Virginis... praesenti Decreto transfert*".

From this it can be deduced that: 1) as long as this Decree is not changed or revoked, there is no obligation to fast nor to observe abstinence on the Eve of the Assumption, since the obligation has been transferred to the Eve of the Immaculate Conception; 2) hence, it should not be considered anymore whether the Vigil of the Assumption falls or does not fall on a Sunday, in order to see if the obligation stands or not on the Vigil of the Immaculate Conception, to which said obligation is now attached; 3) the faithful are *not* free to comply with such obligation *either* on the Vigil of the Assumption *or* on the Eve of the Immaculate Conception, but they *are obliged* to fulfill it on the Eve of the Immaculate Conception, unless this Eve falls on a Sunday.

II. With regards to the Christmas Vigil we in the Philippines have two indults which are similar: one given in 1956, the other in 1957. They are the following:

Beatissime Pater,

Episcopi Insularum Philippinarum, ad Pedes Sanctitatis Vestrae humiliter provoluti, facultatem expostulant transferendi obligationem ieiunium et abstinentiam in pervigilio Nativitatis Domini servandi ad diem qui immediate praecedit dictum pervigilium.

SACRA CONGREGATIO CONCILII, attentis expositis, petitam facultatem juxta preces ad quinquennium benigne concedit cauto tamen ut, si dies proximus pervigilio Nativitatis Domini dominicus sit, vel festus de praecepto, obligatio ieiunii et abstinentiae pervigilii Domini ad diem immediate antecedentem transferatur.

Datum Romae, die 9 Octobris 1956.

L. ✙ S.

P. CARD. CIRIACI, *Praef.*

Beatissime Pater,

Ordinarii Insularum Philippinarum, ad Pedes Sanctitatis Vestrae humiliter provoluti, expostulant:

1) .....

2) anticipationem obligationis servandi abstinentiam et ieiunium in pervigilio Nativitatis Domini ad diem, qui immediate praecedit praefatum pervigilium.

SACRA CONGREGATIO CONCILII, attentis expositis, Ordinariis Insularum Philippinarum benigne tribuit, per quinquennium, gratias iuxta preces, cauto tamen, — ad anticipationem quod attinet obligationis servandi abstinentiam et ieiunium in pervigilio Nativitatis Domini — ut, si dies, qui immediate praecedit pervigilium Nativitatis Domini, dominicus sit vel festus de praecepto, praefata obligatio ad diem immediate antecedentem transferatur.

L. ✙ S.

P. CARD. CIRIACI, *Praef.*

F. ROBERTI, *a Secretis*

Let us consider both concessions together since both are similar. They differ only as to the time for which they are granted. From their analysis we see that: 1) the concession is granted not to the faithful, but to the Ordinaries of the Philippines: "*Ordinariis Insularum Philippinarum benigne tribuit*"; 2) the indult is given for a period of five years, that of 1956 up to 1961, that of 1957 up to 1961; 3) the faculty is granted to the Ordinaries to *transfer* (in that of 1956), to *anticipate* (in that of 1957) the obligation of fasting and abstinence of Christmas Vigil, i.e. of December 24, to the day immediately preceding, i.e. to December 23, provided that if the 23th falls on a Sunday or on a Holyday, the obligation should be transferred to December 22.



The consequences that follow from what has been said are: 1) Since the concession is granted to the Ordinaries, not to the faithful, these are *not* free to fulfill the obligation *either* on the 24th *or* on 23rd December (22nd, if the 23rd would fall on a Sunday or a Holyday of obligation), but they *must* fulfill the obligation on December 23, if the Ordinaries have transferred it to this day; 2) The Ordinaries, in the exercise of this faculty, may not transfer the obligation to December 23, if this were a Sunday or a Holyday of obligation, because according to the indult in such a case the transfer must be done to the 22nd.

But we may ask here: if the 24th, the day of the Vigil, would be a Sunday, as it happens this year of 1961, could the Ordinaries still transfer the obligation to the 23rd? Mistakenly, we answered in the affirmative to a case proposed to us in 1957 (*Boletín Eclesiástico*, November, 1957, p. 891), and we wish to correct now that error with the explanation we offer here. Likewise, we think that the notice which appears in the *Ordo* of this year 1961 on the 22nd of December, namely: "*Cras: 1. Erit ieiunium et abstinentia*", is a mistake. We consider it more logical to hold that, when the Christmas Vigil, i.e. the 24th, falls on a Sunday, like this year of 1961, there is no possible transfer of the obligation to December 23, since an obligation which does not exist can not be transferred. Canon 1252, § 4, says: "*Diebus Dominicis vel festis de praecepto lex abstinentiae, vel abstinentiae et ieiunii, vel ieiunii tantum cessat, excepto tempore Quadragesimae, nec pervigilia anticipantur*". Hence, since this year the Christmas Vigil falls on a Sunday, there is no obligation to fast or to observe abstinence, and therefore it can not be transferred.

III. The faculty of anticipating the obligation of fasting and abstinence attached to the Christmas Vigil has been granted to all the faithful of the Universal Church by His Holiness the Pope John XXIII through a Decree given by the Sacred Congregation of the Council on December 3, 1959. The Decree referred to states:

#### DECRETUM

FACULTAS ANTICIPANDI OBLIGATIONEM ABSTINENTIAE ET IEIUNII PERVIGILII NATIVITATIS D. N. JESU CHRISTI.

Plurimorum Episcoporum ex multis Nationibus votis obsecundans, Ssmus. Dominus Noster Ioannes Pp. XXIII, praesenti Sacrae Congrega-

tionis Concilii Decreto, gratiam deinceps anticipandi obligationem abstinentiae et ieiunii ad diem vigesimam tertiam mensis Decembris omnibus orbis catholici fidelibus concedere dignatus est.

Datum Romae, die 3 Decembris 1959.

P. CARD. CIRIACI, *Praef.*

L. ✙ S.

F. ROBERTI, *a Secretis.*

Before the appearance of this Decree in the *Acta Apostolicae Sedis* various versions and interpretations of the same were published in the press, which unfortunately were very inaccurate. They can be seen in *L'Ami du Clergé*, 24 Dec., 1959, p. 787; *The Homiletic and Pastoral Review*, February, 1960, p. 453; *The Jurist*, April, 1960, pp. 220 & 229.

By reading the Decree carefully, it appears in the title itself that it treats of a faculty or privilege: "*Facultas anticipandi obligationem abstinentiae et ieiunii pervigilii Nativitatis D. N. Iesu Christi*". This faculty is granted by the Pope to the faithful: "*Ssmus. Dominus Noster Joannes Pp. XXIII... gratiam deinceps anticipandi... omnibus orbis catholici fidelibus concedere dignatus est*". The adverb *deinceps* indicates clearly that the concession extends thru an *indefinite* period of time.

The privilege granted to the faithful is the faculty to *anticipate* the obligation of abstinence and fasting, inherent to Christmas Vigil, i.e. to 24 December, in the preceding day, i.e. in the 23rd of the same month. It cannot be interpreted here that this Decree has *changed* the day of the obligation, transferring it from the 24th to the 23rd December. What has been done is simply to extend the useful time for the compliance of the obligation, fixing the 23rd aside from the 24th, in order that the faithful may comply with it *ad libitum* on *either* day, as they please. The 24th December, the Christmas Vigil, remains as the day fixed by law for fasting and abstinence, though through this Decree it is granted to the faithful that they may anticipate the fulfillment of the obligation in the 23rd. It is similar to what happens with *Matins*, which may be anticipated in the afternoon of the preceding day, without ceasing to belong to the natural day whose office is recited. The information which appeared in *L'Osservatore Romano* on December 23, 1959, confirms this interpretation. The faithful of Rome were informed that the obli-

gation of fasting and abstinence on the Christmas Vigil could be complied with on the 23rd or on the 24th December, according to the choice of the faithful themselves.

FR. EXCELSE GARCIA, O.P., J.C.D.  
U.S.T. Professor

### MODUS ABSOLVENDI MATUTINUM

*Circa absolutionem Officii Divini, hoc tantum invenitur in novis rubricis:*

*"179. Item Horae canonicae sive in choro, sive in communi, sive a solo, absoluntur hoc modo:*

a) **MATUTINUM** (si a Laudibus separetur)... *versu Fidelium animae*" (Boletín Eclesiástico, Nov. 1960, pag. 684).

*Nunc quaero: An absolutio Matutini fieri possit ut antea fiebat, id est, per recitationem Orationis Laudum, antequam versus Fidelium recitetur?*

SACERDOS

Solutio difficultatis clare apparet in numero 246 novi rubricarum codicis, qui sic se habet: "*Oratio dicitur in fine cuiuslibet Horae, loco in Ordinario indicato. Excipitur Matutinum, quando una cum Laudibus recitatur*". Ergo quando Matutini recitatio separatur a Laudum recitatione, Matutinum absolvitur Oratione diei, sicut ceterae Horae.

Conspicientes etiam exemplare novi Breviarii Romani (editio typica), vidimus quod pagina 6 dicitur: "**De Conclusionem Matutini.** Dicto *Te Deum* aut ultimo responsorio, quando Matutinum a Laudibus separatur, dicitur: V. *Dominus vobiscum.* R. *Et cum spiritu tuo.* (In recitatione a solo loco Dominus...etc., dicitur: V. *Domine, exaudi orationem meam.* R. *Et clamor meus ad te veniat*). Oremus. Et dicitur oratio ut ad Laudes. Post orationem additur: V. *Dominus vobiscum.* R. *Et cum spiritu tuo* (vel *Domine, exaudi...*). V. *Benedicamus Domino.* R. *Deo gratias.* V. *Fidelium animae...* R. *Amen.* Et ita absolvitur Matutinum."

FR. EXCELSE GARCIA, O.P., J.C.D.  
Universitatis Sti Thomae Professor.



*John XXIII*  
*JX*  
*J-X-1961*

His Holiness as He read His radio message to the Filipino people on October 7 during the inauguration of the Filipino Seminary College in Rome.