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EDITORIAL

POLITICS AND OBEDIENCE

SINCE last December 30, our country's destinies have been in the hands of new leaders.

A long and profound bustle was necessary in the clash between political forces before bringing about the present situation. The new outlook means an almost complete renewal of the executive powers, a considerable change in the legislative and a series of adjustments and readjustments in the judiciary.

This new set-up of the high ranking elements of the body politic has brought about and will entail important repercussions in practically all the social problems of the Filipino people. And to add firewood to the pyre, the process of transition is not as easy going as one would like to expect. Sluggishness is benumbing energies which should be working for the continuity of the common endeavor towards the building up of the welfare of our society. But the political platforms that give way to sensational exhibitions of verbal fireworks, often not very sincere, are also a showdown of more serious personal resentments and more lasting political and personal interest. It does not make easier the cure of the bruises of the battle, especially if they are kept bleeding by the normal bad feelings of the normally selfish human nature.

Perhaps this is inevitable. But it is bad. It may be disastrous. And the consequences have to be borne by everybody and particularly by the middle and poor citizens who are the majority. It is understandable that the adjustment to the new situation is painful. But the healthy reaction must be generous enough to prefer the welfare of the community to the petty selfishness of personal pride and personal profit.

As of now, the political wisdom requires from the authorities a prudent and just use of its powers. This is more so in the case of Christian rulers who should keep in mind that their rights and duties are God-given with a concrete purpose. It is not for us to remind the authorities what this purpose is and how to serve it. But the voice of the Vicar of Christ on earth has repeatedly spoken clear and authoritative words to the heads of the human States. It is not difficult for them to have those words at hand in an up-to-date presentation as offered by His Holiness Pope John XXIII in His Encyclical "Mother and Teacher", where the basic principles of a meaningful and real democracy are laid down, and even the most important practical applications to the actual world problems are forcefully urged. At the high level in which the Pope has to present the Christian social and political wisdom of the Church, the only possible thing to do is to lay down general rules. But still a rather concrete approach is suggested to all concerned. And we do not think it is outside the normal duties of the clergy to make a timely repetition of these teachings.

But as important perhaps as political prudence in the authorities, is the proper attitude in the citizens. And the fundamental attitude of the citizens, individual or in organised group is obedience. The government has to rule prudently; those governed have to obey humbly. This fundamental attitude is not easy to maintain in the complexity of modern organization but continues to be nonetheless the hinge of order, progress and peace. All citizens, more particularly Christian citizens, should bear in mind that they are duty-bound to obey the orders of prudent human authorities. In the Christian view, human laws are derived from the eternal law, so much so that an unjust law is no law at all. But this distinction cannot be easily applied to the prescriptions of the human authority. Perhaps it is to the point to recall a passage of St. Paul to the Romans: "Every soul must be submissive to its lawful superiors; authority comes from God only, and all authorities that hold sway are of his ordinance. Thus the man who opposes authority is a rebel against the ordinance of God, and rebels secure their own condemnation" (XIII, 1-2).

These might seem hard words. But the Apostle speaks without distinction and we should not forget that when they were written the authorities of the State were pagan and often tyrannical.

We also think that it is not outside the normal duties of the clergy to give a timely repetition of these teachings.

FR. RICARDO ROJO, O.P.

PLEA FOR PEACE AND GOODNESS

Christmas Message of His Holiness the Pope John XXIII

(Dec. 21, 1961)

The birthday of the Lord, the feast of peace.

No matter how one seeks to tell the glories of the great mystery and to express the fullness of grace which gladdens every believer in Jesus Christ at this time, it is impossible to surpass what those few words contain.

This, then, is the message of Bethlehem: the glory of God, true peace, and the invitation to the human will to correspond with so great a gift. "Gloria in excelsis Deo; pax hominibus bonae voluntatis" (Luke 2, 14).

In the course of centuries the literature of those countries in which the light of Christ has shone has been unable to add anything to this threefold revelation which was declared to men at the coming of the Son of God into the world.

This is now the fourth Christmas on which We (the poor son of the people—if We may openly express what We inwardly consider Ourselves to be—called to the summit of the priesthood and the government of the Church) have, by the help of God's grace, put all Our heart into declaring this great message of peace.

On the previous occasions We rejoiced to set the peace of Bethlehem before all mankind from three different points of view. Always the peace of Christ, but as seen in the radiance of its noblest manifestations: peace and justice, peace and unity, peace and truth.

In this threefold radiance the most important and most precious blessings of mankind brilliantly shine forth. As an expression of the good wishes which men at this season exchange among themselves there is nothing more suitable than this manifold effulgence of the riches that the Word of God made man brings down to earth for the redemption and exaltation of mankind.

You know well, dear children, how the Fathers of the Church, both East and West, the Doctors and Pontiffs, whose voices intermingle and blend in harmony, are acknowledged to be the most faithful interpreters of the teaching, old but ever new, of heaven's message.

From that chorus one voice, familiar to Us from Our youth, rings out this year in accents of renewed fervour. It is the voice of St. Leo the Great, the fifteenth centenary of whose death We have recently celebrated in Our encyclical "*Aeterna Dei*."

In the happy celebrations of last November it was a joy for Us to draw the inspiration of Our words from this great Doctor. And similarly today, We delight to direct your eyes towards the stable of Bethlehem by means of words taken from his Christmas sermons—sermons which still preserve their lively personal style. Listen to his words:

"Generatio...Christi origo est populi christiani, et natalis capitis natalis est corporis." Beloved children, what beautiful words are these: "The birth of Christ is the birth of the Christian people; the birthday of the Head is the birthday also of the body."

And he continues:

"Even though everyone of those who are called has his own proper place, and even though the children of the Church are separated in time, nevertheless the whole body of the Faithful, born of the waters of Baptism...is given life with Christ in this nativity...And so, the greatness of the gift which is bestowed on us requires of us a reverence befitting its splendour... What is more in keeping with the dignity of today's feast than peace, which at the Lord's birth was for the first time pro-

claimed by the choir of angels? It is peace that gives life to the sons of God, it is the nurse of goodness and the mother of unity... The birthday of Our Lord is the birthday of peace, for, as the Apostle says: "He is our peace..." (Eph. 2, 14).

The peace of wise and upright men—to paraphrase St. Leo's thought—which comes from above and raises up on high, is not to be confused with the easy-going indulgence of lovers of this world. It stands out against every obstacle and spurs men away from dangerous pleasures to where true joys are to be found. May we, united in a single will and a single conviction, at one in faith and hope and love be led thither by the Spirit of peace" (St. Leo. Sermon XXVI (On the Nativity VI), II, III, V; Migne PL 54—213, 214, 216).

These are sublime words of St. Leo and they speak clearly on points of doctrine and of practical life. Everything is there: Holy Church, with all its ranks of believers, its honourable priesthood, its supreme pontificate acting as an instrument destined by God for the uniting of the nations in such a way that a true and lasting elevation of human society may be established.

Yes, all that We expressed in greeting in Our three previous Christmas messages is contained there. Do you remember? Knowledge of the truth, *pax et veritas* (peace and truth), leading us to adore the Son of God made man for us, and to accept His message of redemption; *pax et veritas*, giving strength to high ideals and endurance to good resolutions of knowing and serving the truth. *Pax et unitas* (peace and unity), an urgent invitation to show loyalty to this Apostolic See which is the centre of unity. And lastly, *pax et iustitia* (peace and justice), for this vision of the unique reality of the Church contains invaluable means for building up a solid social structure and for establishing peaceful relations between men, whether between individuals of the same nation or the same trade, or whether on a universal scale in the world as a whole, which belongs to all and should guarantee to all employment and a life of peace.

To this threefold light of peace: in truth, in unity, in justice, would it not be well to add, this year, for our greater spir-

itual profit, a fourth ray, the light of goodness, *pax Christi in bonitate?*

How gladly do We turn Our thoughts towards the glorious kingdom of Christ in the spirit of the liturgy, which is soon to say: "The King of Peace is glorified and all the earth longs for His favour. The King of Peace over all the kings of the whole earth." (Vespers of Christmas). Let it be, then, the peace of Christ in goodness.

The first thing that we see is Jesus inviting us from the crib of Bethlehem, anticipating the occasions in His later life when He, the Divine Master, will be held in reverence and hailed as Rabbi by the enthusiastic crowds, and will say to them: "Learn of Me for I am meek and humble of heart" (Matt. 11, 29).

This voice from the crib is the outward manifestation of the *goodness* of Jesus, of which He is the living reality and the divine source and Whose grace is the universal authority of peace for all the world.

This authority, alas, full of humility and meekness and holding out the joy of universal peace, remains, with the passing of the years, a sign of contradiction and of the obstinate hardness of men in their relations with one another.

If we look at the events of recent times, we might well say that in our day fear and alarm are producing a burning fever of estrangement one from another, and though this is unconscious in many cases it is, for all that, noticeable in dealings with others, and leads to continuous disturbance in domestic, social, civil and international relationships.

Such an observation is all the more tragic when one reflects that in the Creator's providential plan, men are meant to understand, to help and to complete one another; by brotherly cooperation, by patiently overcoming differences, by sharing the goods of the earth fairly, *iustitia duce, caritate comite*, according to charity and justice. (Pius XII, Encyclical, "*Sertum Laetitiae*" 1 Nov. 1939).

On this subject the prophets and psalms speak with clarity, inculcating goodness and love in the name of God.

Isaias says, "Ease the insupportable burden, set free the over-driven; away with every yoke that galls! share thy bread with the hungry, give the poor and the vagrant a welcome to thy house; meet thou the naked, clothe him; from thy own flesh and blood turn not away...The Lord will give thee rest continually, fill thy soul with comfort" (Is. 58, 6-7, 11).

If we consider mutual relationships as they exist today in national and international affairs, We can see how far they still are from the divine teaching which shines in the age of the Old Testament and bursts out into perfect light with the coming of the Divine Master in the fulness of time.

All His teaching is an invitation to peace, for it proclaims the blessedness of peace: but here, on the contrary, under the cloak of fair words (when, at least, the outward appearance is maintained, and even that unfortunately is not always the case) there is often a spirit opposed to peace.

It is the pride of the man of power who tramples under foot; it is the greed of the man of wealth who hardens his heart to the needs of his brothers (1 John 3, 17); it is the callousness of the complacent man who pays no heed to the great cry of suffering which exists in the world; it is the selfishness of the man who thinks exclusively of himself.

In every case it is the goodness of Christ which is lacking, and which above all must provide the antidote to this spirit of contradiction and hard-heartedness, paving the way to a more peaceful attitude to things.

In Our encyclical, "*Mater et Magistra*," it was Our wish to stress the fact that: "When men are animated by the charity of Christ they feel united, and the needs, sufferings and joys of others are felt as their own. Consequently the action of each one—as We said—cannot help but be more disinterested, more energetic, more humane, because charity is patient, is kind... seeketh not her own...rejoiceth not in iniquity, but rejoiceth

with the truth...hopeth all things, endureth all things" (1 Cor. 13, 4-7, A.A.S. LIII, (1961) p. 461).

It is good that the supplication for peace which rises up this year from the crib of Bethlehem should be an invocation of goodness, and appreciation of true brotherhood, a resolution of sincere cooperation, shunning all intrigue and all those discordant elements which we have called and which We call again without disguising Our words: pride, greed, callousness, selfishness.

The invitation should be all the more pressing for mutual distrust is making conditions progressively worse. Consider only the state of fearfulness in which men are living because of flaunted violence and fostered enmity, and it is clear that this is giving rise to a general coolness and making it more and more widespread.

In such a situation it is natural to think of the grave and solemn words of Christ, spoken in prophecy and warning: "Because iniquity hath abounded the charity of many shall grow cold" (Matt. 24, 12).

Man is no longer brother, good, merciful and loving, to his fellow men, but has become a stranger, calculating, suspicious and selfish.

What a crying need there is for the only remedy, which is to be found in giving a welcome to Jesus of Bethlehem, the Lamb of God who has come to take away the sin of the world (cf. John 1, 29), in having recourse to His grace, in putting into practice His teaching of mercy.

Oh blessed feast of Christmas: meeting place of simple folk, invitation to inner purity, to goodness to all men, for "the kindness of God, Our Saviour, dawned on us, His great love for men" (Tit. 3, 4).

It is sad to have to deplore evil, but merely to deplore it does not remove it. We must desire, accomplish and exalt the good. It is goodness that we must openly proclaim before the

world, so that it shines out and permeates every form of individual and social activity.

Every individual must be good, because he is the mirror of a clear conscience, which does not admit of duplicity, cunning, hardness of heart. He must be good by being given continually to interior purification and true perfection, by being faithful to an unshakable purpose, the measure of all his thoughts and actions.

The family too must be good, with mutual love burning like a flame in the exercise of all virtue. Goodness sweetens and strengthens paternal authority, and is nurtured by maternal tenderness. It encourages obedience on the part of the children, controls the exuberance of youth, inspires necessary sacrifices.

There is furthermore that goodness which should rule our actions *outside the confines of the home*, though in union with it. Various applications can be given in the schools of all grades, in the various institutions of civic life which is ordered to the harmonious association of the citizens based on peace, respect, friendship. All the relationships of the social order are founded on goodness which St. Leo the Great recommends in the most vivid language: "To commit injustice and to make reparation—this is the prudence of this world. On the contrary not to render evil for evil is the virtuous expression of Christian forgiveness... Therefore let humility be loved and let the faithful shun all arrogance. Let everyone give preference to his brethren before himself, and let no one seek his own interest, but that of his neighbour, so that where all are filled with benevolence, there may be no place left for the poison of enmity." (Sermon XXXVII (on the Epiphany VII), IV; Migne PL 54, 259).

And finally all humanity must be good. These words which resound through the ages and are now repeated with modern accents, recall the duty incumbent on all men to be good, that means, to be just, upright, generous, disinterested, willing to understand and to forgive, ready to grant pardon with magnanimity.

As an invitation to the exercise of this duty, We turn to the appeal, which with all trust We started out to make in this radio broadcast,—to desire peace and to eliminate all obstacles in its way.

We cannot believe that the terrific energy now under the control of man will be released for the world's destruction. For side by side with elements of fear and apprehension, there are positive signs of good will that is constructive and productive of good. While We give thanks to the Lord, the source of goodness, We also give voice to a heartfelt appeal that all those who control the economic forces should risk everything but not the peace of the world and the lives of men—to seek every means that modern progress has put at their disposal to increase the welfare and security of the world, and not to sow distrust and mutual suspicion.

And again to use the words of Our encyclical "*Mater et Magistra*":

"We point out with sadness...that, while on the one hand are brought out in strong relief situations of want, and the spectre of misery and hunger haunts us; on the other hand scientific discoveries, technical inventions and economic resources are being used, often extensively, to provide terrible instruments of ruin and death." (A.A.S. LIII (1961) p. 448).

We also appeal to those responsible for forming public opinion, even if only in a limited area, to fear the severe judgement of God and of history and to proceed with caution, governed by a sense of balance.

On not a few occasions in modern times—and this We state with candour and regret—the press has contributed to the production of an atmosphere of aversion, enmity and discord.

We appeal to the rulers of the nations, who today hold in their hands the fate of mankind. You also are men, fragile and mortal; upon you are the anxious eyes of your fellowmen, who are first your brothers before they are your subjects.

With the authority which We have received from Jesus Christ We say:

Shun all thought of force; think of the tragedy of initiating a chain reaction of acts, decisions, resentments that could erupt into rash and irreparable deeds. You have received great powers not to destroy but to build, not to divide but to unite, not to cause tears to be shed but to provide employment and security.

These are the various applications of that goodness that should penetrate every aspect of human life. This goodness is the force and dominion over oneself, patience with others, charity that is neither extinguished nor dimmed, because it sincerely wills the welfare of all according to the immortal words of St. Augustine:

“It remains peaceful in the midst of insults, productive of good amidst hate: meek in spite of anger, harmless amidst snares; it groans among the iniquitous, and breathes in the truth: *inter iniquitates gemens, in veritate respirans.*” (Sermon 350, 3)

Venerable Brethren and beloved children. In the renewed contemplation of the Son of God made man, may the message of goodness and evangelical charity come to all men in its full clarity.

May it be to all believers a new inspiration to live it in its fulness, giving an example to an anxious world.

May it appeal to all men of good will to make salutary reflections on the applications of those principles upon which well-ordered social life is founded.

The humble Vicar of Christ in raising his voice wishes to propose with the clearest evidence the common obligation that flows from the very essence of Christmas.

As We end this message, Our thoughts turn with affection to all humanity for whose salvation the Divine Word became incarnate, and in particular to the suffering, to those enduring tribulations of mind and body, to those who are denied justice

and charity. To all go Our paternal good wishes for all consolation.

We cannot pass over the anxiety that Our heart feels at the thought that when next Christmas day dawns upon the world, there will still be people without peace, without security, without religious liberty,—people tormented by the spectre of war and famine.

For them Our most fervent prayers and supplications rise to heaven, together with a paternal wish that all difficulties and controversies be resolved equitably, and a renewed appeal to the rulers of all nations that through their united efforts justice, equity, and that longed for peace may be realized.

On the note of peace, founded on true goodness, We are pleased to end Our message to which We add Our best wishes and the gift of the Apostolic Benediction.

“MOTHER AND TEACHER”

ENCYCLICAL LETTER

of

HIS HOLINESS JOHN XXIII

ON SOCIAL PROBLEMS

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PRO ECCLESIAE UNIVERSIQUE MUNDI BONO

S. PONTIFICIS ALLOCUTIO AD PONTIFICIAM COMMISSIONEM CENTRALEM PRO CONCILIO OECUMENICO APPARANDO

(7 Nov. 1961)

Venerabiles Fratres ac dilecti Filii.

Feliciter Nobis hodie contingit, post sollemnem celebrationem in Patriarchali Basilica Vaticana peractam—quae populi cuiusvi sermonis et generis Summo Pontifici honorem tribuentes, ad amorem Iesu Christi, Divini Ecclesiae auctoris, sunt attracti—secundae plenariae sessioni Coetus praecipui, seu «Commissionis Centralis» Concilio Oecumenico apparando praesse.

Deo igitur auxiliante perspecturi sumus adumbrata decretorum exemplaria, quae a Commissionibus et Secretariatibus sunt exarata. Si vero opus usque adhuc patratum, quod cotidiana et sollicita cura sumus persecuti, complectimur animo, pro certo habemus fore, ut fructus uberes et Ecclesiae vitae perutiles inde capiantur.

Ipsa iam expectatio eorum, quae per proximos hos dies estis acturi, spem inicit bonam, siquidem in eo est, ut Commissiones et Secretariatus, ad Concilium apparandum instituta, prosperos exitus assequantur laborum, quibus patienter sese dederunt. Nonnulla enim adumbrata exemplaria iam sunt composita, alia brevi perscribentur. Oportebit ergo has sessiones saepius cogi, quaemadmodum mense Iunio hoc anno fecimus, cum ita Vobis detur facultas sententiam vestram, qua estis doctrina rerumque usu, aperiendi et cum ceteris communicandi.

Munus, multae sane prudentiae, vestrum est, ut omnia agenda vobiscum consideretis, et de adumbratis exemplaribus cognoscatis, quorum pars magna coetibus Concilii Oecumenici proponentur. Profecto est, cum confidamus arduum hoc opus prospere feliciterque esse cessurum; nam vos, Venerabiles Fratres ac dilecti filii, estis Ecclesiae administri, viri ecclesiastici, scientissimi rerum, quas nostra tempora postulant.

Compertum praeterea habemus opus fervere, in quo etiam res singulae et minutae accurentur: etenim dum praecipui Coetus sodales adumbrata exemplaria coniunctim inspicient, Consilia auxiliaria normas servandas conficient, materias promiscuas congruenti ordine nexuque disponent, de iis iudicabunt, quae circa exemplaria controversa sunt proposita ad emendandum, quaestiones, in re technica et in ordinandi arte versantes, perscrutabuntur atque absolvent, quae scilicet pertinent ad Concilium convocandum, exordiendum, peragendum.

Sed praeter has causas, quibus in spem adducimur quaeque ipso opere vestro egregio et mentis animique dotibus singulorum innituntur, aliae sunt eaeque universaliores, quippe quae late patentes fines Ecclesiae totumque orbem terrarum respiciant; hae revera efficiunt, ut spem etiam maiorem foveamus.

Videlicet animi sacrorum Antistitum, sacerdotum, hominum ex ordine laicorum, qui illorum allevant labores et curas, ad opus vestrum sunt intenti; ipsi precationum auxilio et suasionum consiliorumque copia vobis iugiter adsunt.

Sed plura iam dicamus et identidem enuntiemus: scilicet fratres, ab Ecclesiae unitate seiunctos atque etiam multos eorum, quibus, licet signum Christi frontibus eorum non sit impressum, lux tamen revelationis naturalis affulget, ad idem Concilium mentes convertere. Quod horum animi attenti sunt simulque obsequii pleni et exspectatione erecti, gaudium affert, quo veluti trepide exsultent oportet omnes, qui catholico nomine censentur.

Non desunt quidem, qui timide et quasi anxie susurrantes quaerunt, num orbi terrarum gravia impendeant mala. Ad hoc quod attinet, sensa mentis Nostrae die decima mensis septembris hoc anno, universam humanam familiam per aetherias undas allocuti, explicavimus, eo consilio, ut praeelsum bonum verae et facundae pacis tueremur et ad eam servandam preces fundi iuberemus. Qua oblata occasione protulimus hanc sententiam: "Eos, qui Civitatibus praesunt, rogamus, ut gravissimum officii onus considerent, quod in ipsos recidat... Veritas et iustitia tandem vigescant, quibus libertates primariae et inviolabilia bona summi pretii cuiusque populi singulorum hominum

in tuto collocentur" (cf. Diarum "*L'Osservatore Romano*", d. 11-12 Sept. a. 1961). Hoc igitur hortamentum hodie animo sollicito iteramus; atque id addimus, scilicet eo Nos contendere, ut hoc opere, recte composito, et voluntate humili quidem sed firmissima annitente, passim conferamus ad fiduciam hominibus afferendam, ad excitandum studium mutuae et concordis actionis, ad suadendam reverentiam personae humanae, quam Christus redemit, ad stabiliendam pacem in commodum mortalium omnium.

Aliud demum Nobis est animadvertendum, quod materiam gaudii praebebat: etenim, cum homines singulari prorsus modo spectare videantur quaestiones oecumenicas et politicas, progressiones doctrinarum naturalium et technicarum, incrementum et decus artium liberalium, pacifica et honesta certamina ludicra, et universe cunctas rationes tam varias cultus civilis, qui nostris temporibus obtinet, timor subesse potest, ne studia rerum moralium religiosarum, quae proprie dicantur, et vitae eximiae, qua Ecclesia Catholica pollet, negligantur. Tamen ex eo quod actio documenta Ecclesiae per totum orbem terrarum filios Nostros nominis catholici atque eos etiam, qui ab illis alieni esse eademque curare minime videntur, non modice movent, qui merito colligitur huiusmodi studia non deminui, quin immo augeri, prout angores et dubitationes increscant. Quae res, non parva solacii causa, comprobatur modo, quo Encyclicae Litterae, quibus a verbis "*Mater et Magistra*" est initium, sunt exceptae; eo praeterea, quod homines valde affecti sunt radiophonico nuntio, die decima mensis septembris, ut diximus, habito; comprobatur eo etiam, quod ex cunctis orbis terrarum partibus homines anniversario sollemni humilis Servi Servorum Dei tam frequentes, tam alacres, praeter expectationem, non tamen sine animi Nostri commotione, interfuerunt. Denique ex eo quod homines cum reverentia et fiducia Concilium Oecumenicum praestolantur, intelligitur id ipsum universali cuidam expectationi congruere, atque fausto veluti omine praesignificari eos animis sinceris et volentibus eiusdem decreta quondam esse accepturos.

Haec omnia, quae ad spem Nos erigunt, eloqui Nos oportuit initium facientes sessionum tanti momenti; haec vos omnes

singulos incitent ad insistendum opus renovata cum officii diligentia; itemque haec vos adducant, ut quisque suas partes obeat, persuasum sibi habens auxiliatricem operam uniuscuiusque plurimum valere, ad rerum ordinem instaurandum, a cunctis gentibus expetitur.

Maxime vero causae spei bonae concipiendae nos provocent ad preces ingeminandas quibus Spiritus Paraclitus, “digitus paternae dexteræ”, exoretur, ut ducem se praebeat ad tanti ponderis negotium digne apparandum, communesque labores sapientiae et consilii doni secundet et provehat.

Quae egregia omnium vestrum navitas, ad quam sollertes accingimini, interiorum lucem validumque monitum accipit ex illis Ezechielis Prophetæ verbis, quae sive hesterno die sive hodie Romanum Breviarum legenda proponit: “Ecce manus missa ad me, in qua erat involutus liber, et expandit illum coram me, qui erat scriptus intus et foris, et scriptae erant in eo lamentationes et carmen et vae” (*Ezech.* 2, 9).

Hic revera est liber, qui, Deo benigne opitulante, nobis evolendus porrigitur. In eo latent *lamentationes* et *carmen* et *vae*, quae ad praesentia et ad futura tempora accommodari possunt. De lamentationibus malumus tacere; quod autem ad *vae* spectat, satis superque est ut suas quisque curas et sollicitudines ob oculos habeat.

Ad nostrum profecto perveniamus carmen, quod hisce diebus nobis proponitur: “Omnes sermones meos, quos ego loquor ad te, adsume in corde tuo et auribus tuis audi” (*ibid.* 3, 10). Quas voces ut prompta alacritate accipiat, venerabiles Fratres et dilecti Filii, in opere peragendo quod ad Ecclesiae utilitatem, ad hodiernae societatis necessitates, ad animorum profectum quam maxime pertinet, eiusdem Divini Paracliti lucem vobis omnibus invocamus.

Pignus vero munerum caelestium, et auspex frugiferi operis sit Apostolica Benedictio, quam vobis, ad communem actionem vos confirmantes, peramanter in Domino impertimus.

(A.A.S., 1961, pag. 728-731)

**S. PONTIFICIS ALLOCUTIO AD PONTIFICIAM COMMISSIONEM CENTRALEM
PRO CONCILIO OECUMENICO APPARANDO**

(17 Nov. 1961)

Venerabiles Fratres et dilecti filii.

Laus Domini in ecclesia sanctorum!¹ In hoc conventu, in quo superiorum dierum labores absolvuntur, humili laetitia gratias Deo simul exhibeamus, qui mentes vestras superno lumine benigne collustravit. Etenim spei pleni fructus, quos ex alacri vestra navitate maturescere vidimus et veluti colligere gavisi sumus, ii praeclare spondent, fore ut caelestia auxilia communi operae numquam deficiant.

Itidem vos paterna gratulatione atque existimatione prosequimur, qui assiduo studio, intenta voluntate, haud remissa solertia commissum inceptum ad effectum feliciter perduxistis. In doctis disputationibus, rerum peritia spectandis, vestra erga Ecclesiae necessitates et ad animorum utilitates procurandas dilucide pertractastis; quae adumbrata exemplaria vobis perpendenda proponebantur, et e prudentibus sententiis vestris perfectiorem formam acceperunt, eademque, a sub-Commissionibus, recens constitutis, emendata, Concilii Patribus congruenti ratione subicientur.

De huiusmodi coniuncto studio vobis animum Nostrum profitemur gratum, ob eamque causam multum confidimus, incohatum opus prospere feliciterque esse cessurum.

Laetamur pariter, quod hodierni temporis homines, ac praesertim diurnariorum scriptores, vestros labores attento animo ac laude digna observantia persecuti sunt. Non omnia, ut patet, vulgari oportuit, et adhuc deliberata silentii quadam disciplina saepiri fas est, praesertim quod nuntia ab Officio actis diurnis super Concilii rebus edocendis cotidie in lucem edita sunt; sed publica consensus, qua huiusmodi nuntia sunt excepta, causa est, pro sua etiam parte, cur laeta sumamus auspicia.

¹ Cfr. Ps. 149, 1.

Cum sessiones vestras superioribus diebus inauguravimus, Ezechielis Prophetæ verba enuntiavimus, quæ arcanum quoddam carmen significabant. Nunc, sermoni Nostro finem impo-
nentes, ad illud carmen mentem convertimus, vosque ad serenum gaudium fiduciamque adhortamur.

Ecclesia Sancta semper canit, eiusque vox, ut Sanctus Augustinus ait, est *fidei canora confessio, auctoritatis plena devotio, libertatis laetitia*.² Mater Ecclesia enim homines docet, ut se a temporis angustiis et condicionibus abstrahant, ut cogitationes, consilia atque proposita sublime extollant. Omnia, quæ ipsa agit, ad id spectant; sive nobile magisterii decus, sive legum apte dispositus ordo, sive etiam sacrae defunctorum liturgiæ maestitia suavitate adspersa.

Quare, ob hodierni temporis anxitudines ne despondeamus animos: etenim praesentia discrimina rerum canorum huiusmodi carmen nequaquam extinguunt.

Verba igitur, quæ consalutantes et bene ominantes ad vos facimus, Nostri fidentis animi carmen sunt: per ea navitatem vestram, quam perspectam habemus, confirmamus; per ea vobis gratias agimus, qui tanto tempore Romae ob conventum vestrum agendum degistis, ac parati estis statim huc reverti, cum id necessitas postulaverit.

Venerabiles Fratres et dilecti filii.

Carmen Nostrum omni tempore Deo cantabimus: id enim per totum vitae Nostrae decursum cecinimus: hac firmissima voluntate pontificalis ministerii suscepimus onus, atque indicendi Concilii propositum arcano veluti instinctu inivimus. *Benedicam Dominum in omni tempore. Semper laus eius in ore meo*.³

Quæ dum vobiscum laetantes communicamus, vos iterum iterumque impensa benevolentia et gratulatione amplectimur. Atque ut commune gaudium sit plenum, vobis Apostolicam Benedictionem peramanter dilargimur, quæ vota Nostra confirmet, vobisque novum ad praeclare agendum incitamentum praebeat.

(A.A.S., 1961, pag. 731)

² In Ps. I Enarr. PL XVI, 963.

³ Ps. 33, 2.

BULLAE ELECTIONIS MONS. ARCAIRA AD DIGNITATEM EPISCOPALEM

JOANNES EPISCOPUS, SERVUS SERVORUM DEI

dilecto filio LEOPOLDO L. ARCAIRA, Antistiti Urbano eidemque Curioni ad templum B.M.V. a Via in Archidiocesi Manilensi, electo Episcopo titulo Acrassiotano atque Auxiliari sacri Praesulis Zamboangensis, salutem et apostolicam benedictionem. Ex Insulis Philippinis, catholicae Ecclesiae in amplissimis Asiae territorii inclita gloria ac quasi navi Oceani Pacifici incolas ad aeternae beatitudinis littora prospere vehenti, venerabilis Praesul Zamboangensis id a Nobis expostulavit ut sibi socium laboris atque auctoritatis concederemus, administrandae dioecesi ac populo pascendo necessarium. Quod Nos, quos Deus ineffabili suae providentiae consilio in fastigio Romanae Ecclesiae collocavit, accipientes, Te censuimus ad hoc officium destinare, virum tum pietate insignem, tum studio fidei catholicae propagandae praestantem, ideoque aptum ad tantum onus suscipiendum. Post ergo consilium petatum a dilecto filio Nostro S.R.E. Cardinali Sacrae Congregationis Consistorialis a Secretis, ea usi potestate quam in gregem universum accepimus. Te, dilecte fili, Auxiliarem venerabilis Antistitis Aloisii del Rosario, Archiepiscopi Zamboangensis, nominamus atque renuntiamus, simulque Episcopum titulo ACRASSIOTANUM IN LYDIA creamus, quae Sedes certo modo iam pridem vacabat, cum iuribus et privilegiis debitis. Tuo autem maiori commodo studentes, facultatem facimus ut Episcopus licite extra Urbem consecreris a quolibet, quem malueris, catholico Praesule, cui assistant duo episcopalis ordinis viri, qui omnes sint cum hac Apostolica Sede fidei vin-

culis iuncti caritatisque foedere obligati. Quod tamen antequam fiat, volumus ut sueto more sive fidei professionem facias, sive utrumque ius iurandum des: fidelitatis videlicet erga Nos et hanc Romanam Ecclesiam, et contra modernistarum errores. Quibus omnibus actis, formulas iuxta quas iuraveris, tuo signato nomine et sigillo impresso, itemque Episcopi qui Tibi affuit iuranti, ad Sacram Congregationem Consistorialem cito mittes. De beneficio vero, quo adhuc fruius es, id censemus ut ad normam sacrorum canonum vacet, a Nobis et ab hac Apostolica Sede unice assignandum. Ceterum, dilecte fili, vota Deo optimo maximo facimus ut munus episcopale det summa gerere virtute. Assit beatissima Virgo Maria, stella matutina, aurora pulcherrima.

Datum Roma, apud S. Petrum, die sexto mensis Novembris, anno Domini millesimo nongentesimo sexagesimo primo, Pontificatus Nostri quarto. =F.T.=

Jacobus A. Card. COPELLO

S.R.E. Cancellarius

Franciscus TINELLO, *Regens*.

B. De FELICIS, *Prot. Ap.*

J. Rossi, *Prot. Ap.*

Expedita die XXIV Nov. anno Pontif. IV

Rodomons GALLIGANI, *pro Plumbatore*

In Canc. Ap. tab. vol. CVII N. 87



HIS EXCELLENCY, MOST REV. LEOPOLDO ARCAIRA, D.D.
Auxiliary Bishop of Zamboanga

SACRA CONGREGATIO DE RELIGIOSIS

INSTRUCTIO ET STATUTA

DE SORORIBUS EXTERNO MONIALIUM MONASTERIORUM SERVITIO ADDICTIS

Peculiaris Monialium intra claustra degentium condicio ea est, ut, ad earum recollectionis vitam in tuto collocandam, opus requirat aliquarum personarum quae Monasterii extra claustrum negotiis ac rationibus incumbant. Hinc nullo unquam tempore piae defuere mulieres, extra claustra generatim commorantes et vel nullis vel non proprie dictis religiosae vitae vinculis adstrictae, quae Oblatarum, Mandatarum, Ostiariarum titulo aliisve nominibus appellatae sunt.

Successu autem temporis, piae huiusmodi mulieres desiderium patefecere Claustralium vitam intimius participandi; variis etiam in locis eis concessum fuit ut, peculiari enuntiato proposito, promissione, iure iurando vel voto, externo Monasterii servitio adstrictae manerent. Nec defuerunt Regulae, Constitutiones vel peculiaria Statuta, a Sede Apostolica approbata, quae tale earum religiose vivendi propositum veluti consecrarent.

Nostris vero temporibus, status Sororum cum votis religiosis simplicibus firmus effectus recteque ordinatus est Decreto S. Congregationis Religiosorum «Conditio plurium Monasteriorum» die 16 Iulii 1931 edito. Sorores «membra Communitatis cui inserviunt, eorundem ac Moniales spiritualium bonorum participes» declaratae sunt (Cfr. «Statuta a Sororibus externis Monasteriorum Monialium cuiusque Ordinis servanda», n. 4). Ne autem iuridicam Sororum Communitati incorporationem nocumento contemplativae Claustralium vitae esse contingeret, uti

norma generalis statutum est ut Sorores partem aliquam Monasterii extra clausuram papalem inhabitare deberent.

Verum cum experientia hisce sex lustris comparata aperte ostenderit nonnulla in praedictis Statutis anni 1931 perficienda esse, tum ea recentioribus documentis pontificiis circa Monialium institutum aptando, tum aliqua omittendo praescripta iuris communis, quia in ipsis Monialium Constitutionibus iam continentur, tum denique ea ad Regulas ac Constitutiones Secundi Ordinis ad quem Sorores pertinent arctius accommodando, Sacra Religiosorum Congregatio praedictorum Statutorum novam ac breviorum, integram tamen redactionem perficere sibi proposuit, salvis tamen his quae sequuntur:

1. Illa Monialium Monasteria quae Sorores externo servitio additas non habent, nec eis opus habere censent eo quod servitio externo Monasterii per personas saeculares probatae fidei, de consensu Ordinarii loci adscitas et extra clausuram commorantes, provisum sit, hanc Sororum classem inducere non tenentur.

2. Ubi alicuius Ordinis Regula vel Constitutiones servitium externum Sororum pro Monasterio Monialium expressis verbis praescribunt et ordinant, plenum vigorem servant canonicae dispositiones quibus praedictum servitium regitur, dummodo neque ss. canonibus, neque Constitutioni Apostolicae «Sponsa Christi» contrariae sint.

3. Si Ordinis alicuius Moniales, ut propriae foundationis et vocationis spiritus aptius servetur, peculiares dispositiones pro servitio externo Monasterii propriis Constitutionibus inserere voluerint, liberum eis esto eas conficere, approbationi utique S. Congregationis de Religiosis subiciendas.

Huiusmodi praescriptiones, approbatione pariter obtenta a S. Congregatione, inseri poterunt Statutis illarum Foederationum a S. Sede erectarum quae regularis observantiae usum, intra eundem Ordinem, paulo diversum servant. Praescripta, tamen, tam Constitutionibus quam Statutis Foederationis, iuxta Ordinis indolem, adiungenda, conformentur sequentibus Statutis generalibus.

CAPUT I

De Sororum servitio externo addictarum muneribus et habitatione

ART. 1

§ 1. Monialium Monasteria possunt, consentiente Capitulo et accedente beneplacito Ordinarii loci necnon, si eidem sint subiectae, Superioris regularis, Sorores servitio externo addictas instituere, quarum speciale munus sit Monasterio inservire in obeundis externis negotiis quae a Claustralibus geri nequeunt.

§ 2. Uti servitium externum, cui huiusmodi Sorores addiuntur, haberi possunt quaedam moderata opera apostolatus Monasterio adnexa, extra tamen clausuram papalem peragenda.

ART. 2

Sorores servitio externo addictae membra sunt Communitatis sui cuiusque Monasterii et ordine praecedentiae post Moniales choristas et conversas veniunt; eandem Regulam et Constitutiones profitentur ac consorores Moniales, sed ratione officii proprii hisce Statutis obnoxiae sunt, quorum vi praescriptis quibusdam ipsium Regulae et Constitutionum derogatur.

ART. 3

§ 1. Salvo art. 4, Sorores servitio externo addictae habitationem habent Monasterio adnexam et clausurae communi (can. 604; Instr. «Inter cetera», n. 73) obnoxiam, non vero intra fines clausurae papalis Monialium positam (Instr. «Inter cetera», n. 11 b; 44 b). Quapropter nequeunt partem Monasterii Monialibus reservatam ingredi nisi intra limites his Statutis definitos.

§ 2. Salvo strictiore iure singulorum Monasteriorum, ius est Antistitae, de consensu sui Consilii atque probante Ordinario loci et Superiore Regulari, si adsit, permittendi ut Sorores servitio externo addictae interdum intra clausuram Monasterii, pietatis vel instructionis causa, sicuti et ad convalescendum et animos recreandos, cum Monialibus conveniant, adhibitis cautelis ne quid exinde incommodi oriatur. Tunc vero Sorores, etsi im-

prudenter interrogatae, abstineant a referendis iis quae extra Monasterium viderint vel audierint, summopereque sileant de iis quae bono exemplo non sint, vel quae pacem et animi applicationem perturbare possint. His invigilet attente Antistita cum Consiliariis suis, et si ingressus Sororum in Monasterium occasionem praebeat abusibus, opportuna remedia adhibeantur.

§ 3. Sorores extra clausuram commorantes possunt, iudicio Antistitae eiusque Consilii, praehabita etiam saltem generali approbatione Ordinarii loci et Superioris Regularis, si adsit, internis etiam Monasterii muneribus vel laboribus interdum adhiberi, cauto ne cum Monialibus habitualiter permisceantur.

§ 4. Quae in hoc articulo quoad ingressum in clausuram Sororum dicuntur valent etiam pro postulantibus et pro novitiis secundi anni novitiatus.

ART. 4

§ 1. Attento spiritu et indole cuiusque Ordinis, necnon numero Monialium in ipso Monasterio degentium, praevio voto Capituli et, si agatur de Monasteriis alicui Foederationi adscriptis, audito Consilio Foederationis, Monasteria statuere possunt, approbante S. Sede, ut Sorores servitio externo addictae habitualiter intra clausurae ambitum ipsius Monasterii versari possint, licet lege clausurae papalis non teneantur. Hoc in casu cautela praescribantur, ne commercium huiusmodi Sororum cum Monialibus clausurae lege obstrictis spiritui recollectionis nocumentum afferat; praeter alia, quaedam separatio statuatur intra ipsam clausuram, ad instar praescripti pro novitiatu (can 564 § 1) et vetentur Sorores Monialibus referre ea quae extra clausuram accidunt.

§ 2. Sororibus quae habitualiter intra clausuram degunt, cum lege clausurae papalis non teneantur, pro servitio vel alio opere externo Monasterii vel ob aliam iustam et rationabilem causam, de iudicio Antistitae licet e clausura egredi.

Idem valet pro novitiis etiam primi anni novitiatus et pro postulantibus, si postulatus, ad normam art. 9 § 2, intra clausuram peragitur, salvis tamen disciplina et fine postulatus et novitiatus (can. 565).

ART. 5

Habitatio aliaque loca Sororibus externo servitio Monasterii addictis extra limites clausurae destinata vigilantiae et visitationi subsunt, non modo Ordinarii loci et Superioris Regularis, si adsit, ad normam iuris, sed etiam, servatis servandis, ipsius Antistitae Monasterii necnon Moderatricis Foederationis, si de Monasteriis foederatis agatur (Instr. «Inter cetera», n. 24, 5^o).

ART. 6.

§ 1. Ut in Monasteriis opera apostolatus, ad normam art. 1 § 2, praevio beneplacito Ordinarii loci necnon Superioris Regularis, si adsit, modo stabili, exerceantur, approbatio S. Sedis requiritur.

§ 2. In operum apostolatus exercitio Sorores normas ab Ordinario loci impertitas sequantur.

ART. 7

§ 1. Habitus Sororum idem sit ac Monialium, ad finem tamen servitii externi pro rerum et locorum adiunctis convenienter a Capitulo aptatus.

§ 2. In Monasteriis unius eiusdemque Foederationis, Sorores, quoad habitum religiosum, eodem, quantum potest, modo vestiantur.

CAPUT II**De Sororum servitio externo addictarum cooptatione****ART. 8**

In admittendis et instituendis Sororibus servitio externo destinatis, eadem prorsus condiciones servantur quae pro Monialibus respectivi Monasterii vi Constitutionum praescribuntur, ratione tamen semper habita ipsarum peculiaris muneris. Curet autem Antistita cum suo Consilio, ut adspirantes unice acceptet quae maturi sint iudicii, quaeque pietate non communi fulgeant, ea mente ut exemplo praeluceant, maxime extra Monasterium, in usu cum saecularibus.

ART. 9

§ 1. Postulatus annum perduret: quod tamen tempus Antistita, audito suo Consilio, ad sex menses contrahere poterit vel ad alios sex menses, ultra annum, prorogare, prout postulantis ad novitiatum opportuna praeparatio exigere videatur.

§ 2. Postulatus in habitatione Sororum peragatur, ut in officiis propriis postulantes exerceantur et probentur.

Attamen de iudicio Antistitae eiusque Consilii et de beneplacito Ordinarii loci necnon Superioris Regularis, si adsit, postulatus intra Monasterium peragi poterit, scilicet intra clausuram Monialium, salvis Statutis Foederationis, si de Monasterio foederato agatur, et salvo art. 4 § 2.

ART. 10

§ 1. Novitiatus in duos annos protrahatur, quorum prior sit stricte canonicus et, licet novitiae huiusmodi lege clausurae papalis non teneantur, intra clausuram proprii Monasterii una cum novitiis vel, si agatur de Foederatione, alius etiam Monasterii Foederationis, peragendus erit. Hic, ut valeat, debet esse integer et continuus ad normam iuris.

§ 2. Ut novitiae in muneribus externis exerceantur, alter novitiatus annus ordinarie peragitur in propria Sororum habitatione, sub vigilantia Sororis ad hoc deputatae, quae Magistrae novitiarum rationem reddit. Duobus vero ante professionem mensibus, novitiae a servitio externo omnino abstineant et intra Monasterii novitiatum permaneant, ut ibi, sub directione Magistrae novitiarum, tranquillius ad professionem se praeparare valeant.

§ 3. De iudicio Antistitae eiusque Consilii et accedente beneplacito Ordinarii loci necnon Superioris Regularis, si adsit, etiam alter annus intra Monasterium peragi potest, quin novitiae lege clausurae papalis teneantur.

§ 4. In informandis novitiis ad vitam religiosam, dum instructiones et collationes impertiuntur eodem prorsus modo ac de novitiatu Monialium in Constitutionibus praescriptum est, specialis cura habeatur in edocendis illis circa negotia et opera externa quibus destinantur.

ART. 11

Novitiatus pro Sororibus servitio externo addictis peractus pro Monialibus choristis vel conversis non valet, neque valet pro Sororibus externis novitiatus qui pro choristis vel conversis peractus est (can. 558).

ART. 12

§ 1. Expleto novitiatu, novitia professionem emittat votorum simplicium temporariorum per sex annos, quovis anno renovandam saltem primo triennio; elapso vero sexennio professionem votorum pariter simplicium, sed perpetuorum, emittat aut ad saeculum redeat.

§ 2. In emittenda professione servetur ritus sui cuiusque Monasterii, mutatis quae mutari debeant. Prima professio religiosa, quae novitiatum sequitur, emittitur a Sororibus intra clausuram Monasterii; renovationes autem votorum, sicut et professio perpetua, fiant extra clausuram, ad crates chori Monialium. Attamen. de iudicio Antistitae eiusque Consilii et de beneplacito Ordinarii loci atque Superioris Regularis, si adsit, haec etiam intra clausuram peragi possunt.

§ 3. Formula professionis eadem sit ac pro Monialibus, cum necessariis additionibus et mutationibus; quaelibet enim Sororum professio emitti debet in qualitate Sororis externo servitio Monasterii addictae, secundum Regulam et Constitutiones Monasterii, nec non propria Statuta pro Sororibus externis a Sede Apostolica approbata.

ART. 13

§ 1. Salvis Constitutionum praescriptis circa cessionem administrationis et dispositionem de usu et usufructu bonorum, ad normam iuris communis (can. 569 § 1 ac can. 580 § 1), quaelibet professa a votis simplicibus sive perpetuis sive temporariis, nisi aliud in iisdem Constitutionibus cautum sit, conservat proprietatem bonorum suorum et capacitatem alia bona acquirendi. Sorores tamen externo servitio Monasterii addictae, ne sollicitae sint circa bona propria et iam ante professionem votorum temporariorum testamentum civiliter validum de bonis praesentibus vel forte obventuriis libere condant; quod mutare ipsis non lice-

bit sine venia S. Sedis, vel si res urgeat nec tempus suppetat ad eam recurrendi, sine licentia Antistitae Monasterii in quo Soror actu degit.

§ 2. Salvo indulto a S. Sede concesso, ipsae Sorores nequeunt bonis suis renunciare seu titulo gratuito eadem abdicare.

§ 3. Cessionem vel dispositionem de qua in can. 569 professsa mutare potest, non quidem proprio arbitrio, nisi Constitutiones id sinant, sed de Antistitae, necnon de Ordinarii loci et Superioris Regularis, si adsit, licentia, dummodo mutatio, quae notabilem bonorum partem respiciat, non fiat in favorem Monasterii; per discessum autem e Monasterio eiusmodi cessio ac dispositio vim habere desinit.

§ 4. Quidquid autem industria sua vel intuitu Monasterii acquirit, Monasterio acquirit.

CAPUT III

De Sororum servitio externo addictarum disciplina

ART. 14

§ 1. Sorores, haud secus ac Moniales, Antistitae Monasterii subiciuntur in omnibus, sive quoad religiosam disciplinam sive quoad servitium ab ipsis praestandum. Antistitae autem est habitualiter ordinem exercitiorum Sororibus praescribere necnon quidquid necessarium eis est ad vitam sive communem sive individualement ducendam materna cura providere.

§ 2. Deputare poterit Antistita unam ex Sororibus servitio externo addictis vel Monialem prudentia et aetate provectam votorumque perpetuorum professam, cuius munus sit vigilandi ut omnia, quae ad disciplinam et servitium spectent, ordinate iuxta ipsius Antistitae mandata procedant. Haec vero Soror ad Antistitam vel ad aliam Monialem ad hoc designatam prudenter ea referat quae referenda sunt et ab illa instructiones recipiat.

ART. 15

§ 1. Curet Antistita ut Sorores servitio externo Monasterii addictae exercitia pietatis peragant quae in Regula et Consti-

tutionibus continentur, exceptis illis quae propria sunt Monialium choro addictarum.

§ 2. Pro S. Communionem et pro Confessione pariter quae in Constitutionibus pro Monialibus praescribuntur servantur.

§ 3. Pro Confessione occasionali peragenda frui possunt facultatibus quibus religiosae clausurae papali non obstrictis uti licet, nempe: si Soror ad suae conscientiae tranquillitatem, confessarium adeat ab Ordinario loci pro mulieribus approbatum, confessio peracta in qualibet ecclesia vel oratorio etiam semipublico vel alio loco pro confessionibus mulierum vel religiosarum legitime destinato aut etiam per modum actus designato, valida et licita est (can. 522).

§ 4. Pia exercitia spiritualia, de quibus supra in § 1, consentiente Antistita eiusque Consilio et approbante Ordinario loci ac Superiore Regulari, si adsit, Sorores servitio externo addictae intra clausuram Monialium peragere poterunt.

ART. 16

Pietatis officia de quibus in superiori articulo, in communi, quantum fieri potest, a Sororibus persolvantur.

In communi quoque Sorores se reficiant atque recreentur.

ART. 17

Antistita matris se gerat cum Sororibus servitio externo addictis quoad leges abstinentiae et ieiunii cuique Ordini proprias vi Regulae aut Constitutionum, dispensando in illis, quatenus vere opus sit. Optandum est ut in singulis Ordinibus aut saltem Foederationibus norma quaedam aequalis quoad observantiam huiusmodi legum propriarum, ad Sorores quod pertinet, statuatur.

ART. 18

§ 1. Domi maneat Sorores, orationi et labori diligenter incumbentes, neque foras exeant nisi ad negotia Monasterii agenda aliave rationabili de causa, de Antistitae expressa licentia; non tamen absque iusta causa et Antistitae venia, singulae e domo egrediantur. Exeuntes autem, in modo agendi et lo-

quendi cum saecularibus meminerint condicionis suae, et modestia, pietate, mansuetudine, urbanitate maximaque reverentia ententes, in omnibus suis actibus ceteris sint aedificationi.

§ 2. Antistitae fas non est permittere ut Sorores extra propriam domum degant, nisi iusta de causa atque ad tempus quo fieri potest brevius; pro absentia vero quae mensem excedat, requiritur Ordinarii loci et Superioris Regularis, si adsit, licentia; pro absentia autem quae ultra sex menses protrahatur, necessaria est Sedis Apostolicae venia.

ART. 19

§ 1. Soror infirma quae, iudicio medici aut Antistitae, in externa habitatione commode curari nequeant, intra clausuram feratur, eique maxima cum caritate adsint consorores claustrales, auxilium benevole seduloque praestantes.

§ 2. Ita pariter Sorores senio confectae, quae ad externum servitium evaserint inhabiles, quaeque in externa domo convenienti auxilio priventur, cum licentia Antistitae, de consensu Consilii concedenda, et probante Ordinario loci necnon Superiore Regulari, si adsit, in Monasterium admitti poterunt.

§ 3. Advigilet autem Antistita ne hac occasione Monialium disciplina, praesertim vero spiritus recollectionis, quae perpetuo intra clausuram vigere debet, detrimentum patiatur.

S. Congregatio negotiis Religiosorum sodalium praeposita, facta relatione Ssmo D. N. Ioanni Div. Prov. Pp. XXIII in Audientia Emo Cardinali Praefecto die 21 Martii 1961 concessa, pro munere ipsi a Constitutione Apostolica «Sponsa Christi» diei 21 Novembris 1950 (A. A. S. vol. XXXXIII, p. 5) commisso et vigore facultatum eidem concessarum, praesentes Normas et Statuta pro Sororibus servitio externo in Monasteriis addictis, observanda esse statuit ac mandat.

Contrariis quibuslibet non obstantibus.

Datum Romae, die 25 Martii 1961.

L. ✠ S. VALERIUS Card. VALERI, *Praefectus*

Fr. Paulus Philippe, O.P., *a Secretis*

REASONS AUTHORIZING OR JUSTIFYING PERPETUAL CANONICAL SEPARATION

All marriage cases pertain to the public good. This is especially true of separation cases. This is apparent from the intimate connection of conjugal cohabitation with the welfare of society. The Church has ever insisted upon importance of this aspect of marriage as necessary for the public weal.¹ Moreover, right reason even unaided by any authoritative direction must necessarily conclude that the unity of conjugal life is indispensable for a healthy society.

The necessity of a just reason for separation can be easily deduced from the very nature of the obligation of conjugal cohabitation. Canon 1013, § 1, states that "the primary end of marriage is the procreation and education of children; the secondary end is mutual helpfulness and the appeasement of concupiscence." It is obvious that conjugal cohabitation tends to foster mutual love while at the same time being a helpful force in strengthening marriage ties and a potent safeguard in protecting the matrimonial bond.

Canon 1128 rules that "married persons are to observe the obligation of conjugal cohabitation, unless a just cause excuses them." But since this conjugal cohabitation pertains only to the integrity of marriage² and not directly to its essence,³ a just cause may excuse the consorts from this mutual obligation.

ADULTERY AND PERPETUAL SEPARATION

Adultery is the only crime which grants the right, *natura sua*, to the innocent party of perpetual separation. This is clearly enunciated in Canon

¹ S. R. R., *Separationis quoad Thorum et Mensam*, 5 iul. 1910 coram Rmo P. D. Michaeli Lega, Decano, dec. XXIV, n. 11—S. *Romanae Rotae Decisiones seu Sententiae quae . . . prodierunt ab anno 1909* (Romae: Typis Polyglottis Vaticanis, 1912—), II (1910), 243 (hereafter referred to as *Decisiones*).

² S. R. R., *Separationis*, 3 ian. 1929, coram R.P.D. Henrico Quattrococo, dec. 1, n. 2—*Decisiones*, XXI (1929), 3; CAPPELLO, F., *De Sacramentis*, V. nn. 827-828; GASPARRI, P., *De Matrimonio*, II, n. 1102.

³ Canons 1013; 1081; 1086.

1129 which states that "adultery on the part of one consort gives to the other consort, without breaking the matrimonial bond, the right of separation, even permanently, unless the other consort has consented to the crime, has caused it, or has expressly or tacitly condoned it or committed the same crime. There is tacit condonation when the innocent consort, knowing of the crime of adultery, has freely continued to manifest marital affection toward the guilty party. This tacit condonation is presumed unless the innocent party has, within the period of six months, dismissed, deserted, or duly denounced the guilty consort."⁴

In view of the exalted dignity of Christian marriage, it is easily understood why the law of the Church considers only one reason as a "just cause" for the permanent separation and surrounds this sole cause with certain qualifications.

Consummated.—Several authors are of the mind that copulation without seminal emission is not a qualified act of infidelity. Others affirm that for practical purposes, a coitus without seminal ejection can still be considered a complete act of marital unfaithfulness for the following reasons:

1) The very act of copulation in itself is an outrageous affront and injurious breach to marital fidelity;

2) This act tends naturally and as a rule terminates in orgasm; and finally,

3) If one were to follow the former and milder view one can never be assured of a seminal discharge unless conception takes place. This is an absurdity, ridiculously untenable if one considers that conception does rarely follow repeated and multiplied seminal emissions.⁵

According to Cappello, a reasonable and more practical presumption is that:

1) once carnal union is had, it is presumed to be complete, that is, as culminating in seminal emission. An assertion to the contrary must be proven.

2) In the internal forum, one must give credence to the penitent's words; in the external forum, reliable proofs must furnish the basis for evidence.

⁴ "Quam ad rem animadvertere præstat solum adulterium natura sua ius coniugi innocenti tribuere a coniuge adultero divertendi in perpetuum; qui fidem siquidem frangit ius penitus amittit exigendi a coniuge innocente observantiam obligationum individuae vitæ consuetudinis ex matrimonio manantium." S. R. R., Separationis, 3 jan. 1929, coram R.P.D. Henrico Quattrococo, dec. 1, n. 2—Decisiones, XXL (1929), 3.

⁵ CAPPELLO, F., *De Sacramentis*, V, n. 826, 827; WERNZ—VIDAL, *Ius Canonicum*, V, n. 639; DOHENY, *Canonical Procedure in Matrimonial Cases*, II,

3) Hence, since the lack of seminal emission can hardly be proven, once coitus has taken place, it is always presumed in the external forum as complete and consummated.⁶

Payen gives a descriptive notion of adultery:

Adultery functionally considered as a conjugal act consists in the penetration of the vagina by the male organ, depositing the semen thereby in an act which by its nature tends to generation.⁷ In adultery therefore, there is that full and complete cleavage of the flesh, a treacherous breach of infidelity from which arise the right to perpetual separation. Just as the carnal oneness of married couples is attained in intercourse, so the selfsame act with a third person will sever the same bond of carnal oneness.⁸

From this descriptive concept of adultery, these conclusions follow:

1) Incomplete or preparatory actions, immodest or indiscreet conduct such as kisses, embraces, petting and other immoral touches, although dangerous and unbecoming, do not give rise to the right to separate, but these may be taken as indications of the existence of the greater crime if the circumstances so warrant.

2) Simple copulation, i. e., the penetration of the woman's vagina by the male organ without seminal emission is for all practical purposes always presumed in the external forum as culminating in orgasm.⁹

3) As regards onanistic copulation, it is to be noted that semination takes place out of the proper genital tract of the woman. It is a frustrated attempt, usually followed by solitary pollution. That there is a proper carnal union can reasonably be questioned and probably does not give rise to a right to perpetual separation.¹⁰

Formal.—Marital separation is a penalty inflicted upon the errant consort and therefore as any penalty, it presupposes moral guilt. Hence to constitute the sin authorizing perpetual separation, the adultery must be formal. An act that occurred as a result of ignorance, error, deceit or force, lacks the formal element of guilt.¹¹

⁶ CAPPELLO, F., *De Sacramentis*, V. n. 827.

⁷ PAYEN, G., *De Matrimonio in Missionibus ac Potissimum in Sinis Tractatus Practicus et Casus*, II, n. 2467.

⁸ PAYEN, *ibid.*, II, n. 2471; CAPPELLO, *op. cit.*, V. n. 830; DOHENY, *op. cit.*, II, 622.

⁹ AERTNYS, J.—DAMEN, C., *Theologia Moralis*, (2 vols., 14 ed., Taurini: Marietti, 1944), II, n. 929; ROSSET, M., *De Sacramento Matrimonii Tractatus Dogmaticus, Moralis, Canonicus, Liturgicus et Iudiciarius*, (6 vols., Paris, 1895-1896), VI, n. 3873.

¹⁰ AERTNYS, J.—DAMEN, C., *op. cit.*, II, 931; ROSSET, M., *De Sacramento Matrimonii*, VI, n. 3876; CAPPELLO, F., *De Sacramentis*, V, 829.

¹¹ S. R. R., *Separationis*, 6 dec. 1929, coram R.P.D. Francisco Morano, dec. LXIII, n. 3 — *Decisiones*, XXI (1929), 526

A man or woman who, while under the mistaken impression that their spouses had been dead married again were not adulterers. A woman who had had relations with another man because of mistaken identity or had been violated against her will, could not be considered an adulteress. The material act did not constitute adultery unless there was willful co-operation in the sinful element subjectively realized as such.¹²

All would readily admit that an overwhelming physical force excuses from all imputability of the grave sin of adultery. However some authors consider that adultery committed under the influence of grave fear does not completely excuse from the moral guilt and unfaithfulness. It can probably give rise to separation.¹³

Likewise a case is contemplated of a woman who while vainly struggling against superior force internally consents to the pleasure. Does the internal consent entitle the other consort with the right to separate? Almost all authors agree that it does not. A penalty can be imposed only in the external forum for an external delict. A subjective act of the will remains in the internal forum and can hardly form the basis for a judgment in the external forum. Hence it can hardly give rise to a right to separate.¹⁴

Finally, a case is likewise contemplated of a woman who has had carnal relations with a man, completely unaware of her supposedly dead husband's existence. She does not commit formal adultery because there is not the malice of adultery in this particular case.¹⁵

Morally Certain.—The general principle involved here is that in doubt, no one is to be deprived of his right. To prove the crime of adultery is not an easy matter. The difficulty of such proof can be deduced from the sentences of the Sacred Roman Rota in cases of this nature. Surmises, suspicions, accusations, compromising circumstances, and the like do not constitute proof.

Most cases of this nature reviewed before this Roman Tribunal contain references to the difficulty in establishing strict proof of this sin in consequence of the rarity of witnesses *de visu*.¹⁶ Even if eyewitnesses are

¹² GASPARRI, P., *De Matrimonio*, II, n. 1111; SANCHEZ, T. *De Sancto Matrimonii Sacramento Disputationum Tomi Tres*, Lib. I, disp. V, n. 11; PAYEN, G., *De Matrimonio in Missionibus*, II, n. 2470.

¹³ SANCHEZ, *op. cit.*, Lib. I, disp. V, n. 16; ROSSET, *op. cit.*, VI, n. 3881; WERNZ-VIDAL, *Ius Canonicum*, V, n. 707.

¹⁴ PAYEN, G., *De Matrimonio in Missionibus*, II, n. 2468; CAPELLO, F., *De Sacramentis*, V, 830.

¹⁵ GASPARRI, *op. cit.*, II, 1372; SANCHEZ, *op. cit.*, Lib. I, disp. V, n. 19; WERNZ-VIDAL *op. cit.*, V, n. 710.

¹⁶ S. R. R., *Separationis*, 4 febr. 1925, coram R.P.D. Iosepho Florczak, dec. VI, n. 4: "Ast crimen in genere, clam perpetratur et directe fere numquam probari potest."—*Decisiones*, VII (1925), 42; S. R. R., *Separationis*, 3 ian. 1929, coram R.P.D. Henrico Quattrococo, dec. I, n. 5—*Decisiones*, XXI (1929), 4;

proposed, then because of the extraordinary and unexpected nature of their testimony, they should be rejected as incredible or at least suspect. Such testimony would be so rarely true that one might almost call the attitude of the court, a "jurisprudential presumption" against it. As a consequence, in the absence of testimonial proof, the court must refer to conjectures and violent presumptions from which a moral certitude of the fact may be induced.¹⁷

The classic norm for the use of presumption in these cases is taken from a separation suit settled by Pope Alexander III. The testimony that the delinquents were seen: "solus cum sola, nudus cum nuda, in eodem loco iacentes [...] in multis secretis locis, et in latebris ad hoc commodis et horis electis," moved the Pontiff to regard this testimony as a sufficient presumption for the fact of infidelity.¹⁸ The decisions of the Sacred Roman Rota continue to use this papal example as norms today, but also present general norms. This august tribunal has often demonstrated the use of presumptions as suitable evidence. The presumptions should arise from particular acts and circumstances that have a peculiar relationship to the fact of infidelity. Mere suspicions, whether they be probable or not, although not peremptorily dismissed, are insufficient. The facts and circumstances brought forward as testimony must be so naturally connected with marital unfaithfulness that the court must accept them as violent presumptions and as sufficient to give rise in the mind of the judge to a moral certitude. The damage and injustice that results from an unlawful separation demand a proportionate uncontestable proof. Violent presumptions furnish that proof.¹⁹

S. R. R. *Separationis*, 8 ian. 1937 coram R.P.D. Ioanne Teodori, dec. 1, n. 6—*Decisiones* XIX (1937), 4; S. R. R., *Separationis*, 2 mart. 1940, coram R.P.D. Alberto Canestri, dec. XIX, n. 4—*Decisiones*, dec. XXXII (1940), 198.

¹⁷ S. R. R., *Separationis*, 4 febr. 1925, coram R.P.D. Iosepho Florczak, dec. VII, n. 1: "Si testis deponeret, directe de visu copulae, esset falsus, seu de falso suspectus, [...]. Hinc res demonstranda est per coniecturas et praesumptiones violentas ex quibus saltem moralis certitudo de adulterio commisso inducatur."—*Decisiones*, XVII (1925), 42.

¹⁸ C. 12, X, de praesumptionibus, II, 23

¹⁹ S. R. R., *Separationis*, 4 febr. 1925, coram R.P.D. Iosepho Florczak, dec. VI, n. 4: "Hinc, quoad adulterium etsi non levia habeantur indicia, certitudo tamen patrati criminis non habetur; sed constat procul dubio graves haberi in casu causas quae separationem quoad habitationem, mensam et thorum, ad tempus indeterminatum postulant, ut damna et mala et familia removentur."—*Decisiones*, XVII (1925), 24; S. R. R. *Separationis*, 6 dec. 1929, coram R.P.D. Francisco Morano, dec. I, n. 3: "Cum vero adulterium sit crimen quod generatim patrat in occulto, eius probatio fieri solet per praesumptiones violentas, nempe per coniecturas ex factis quae non nisi in casu adulteri contingere solent."—*Decisiones*, XXI (1929), 525; S. R. R. *Separationis*, 30 maii 1938, coram R.P.D. Arcturo Wynen, dec. XXXIII, n. 2: "... tamen adulterium probari potest per testes, qui referunt de actis adulterio proximis vel de circumstantiis quae violentam praesumptionem de patrato crimine gignunt, v. g. de facto quod maritus cum

Neither Permitted, nor Caused, nor Condoned by the Aggrieved Consort, nor Compensated by Similar Crime.— If the aggrieved party permitted the adultery, either tacitly or expressly, there can be no grounds for permanent separation. Moreover, if the same innocent party did not prevent the sin when he or she could have easily have done so, the right of separation is likewise forfeited. An innocent party may be said to have given permission to a partner's adultery when he fails to impede what he could easily prevent. This of course may be more applicable to husbands than to wives. It is usually easier for a husband to prevent his wife's adultery than vice versa (*servatis servandis*). Substantial evidence that the innocent spouse lived with the errant consort for a period of six months in order to procure definite testimony in anticipation of the present suit would serve to impugn the presumption of consent and wilful permission²⁰.

If the aggrieved party actually caused the adultery, the right of separation is likewise forfeited. He or she should however be the culpable cause of the spouse's infidelity; the cause must be efficacious and proximate, not merely a remote influence or an occasion of sinning.

An adultery can be provoked directly and proximately were one to command, compel the adultery. Thus a man directly causes his wife's infidelity, if he directly gives her to another man for a price as a commodity²¹.

One may be the indirect and remote cause were he to withdraw maintenance, deny the debitum or expel the spouse from the home and so be the occasion of the adultery²².

Cause here means something that *per se* incites to adultery, such as desertion, failure of suitable support accompanied by the foreseeing of adultery. The mere refusal of the debitum is probably not such a cause²³.

alia muliere in eodem lecto inventus sit. Non vero sufficiunt suspiciones plus minusve probabiles. Quoniam culpa non moraliter certa, sed dumtaxat probabilis, non sufficet ad privandum aliquem hominem certo iure ad vitae coniugalis communionem.—*Decisiones*, XXXIII (1938), 310; GASPARRI, P., *De Matrimonio*, II, n. 1172; CAPELLO, F., *De Sacramentis*, V., n. 826.

²⁰ REGATTILLO, E., *Ius Sacramentarium*, II, n. 586.

²¹ SANCHEZ, *op. cit.*, Lib. I, disp. VI, n. 5; WERNZ-VIDAL, *op. cit.*, V, n. 743.

²² GASPARRI, P. *De Matrimonio*, II, 1376; CAPELLO, F., *De Sacramentis*, V, 832.

²³ It is disputed among the authors whether or not the innocent spouse has given cause for the adultery when the crime is only indirectly provoked, e.g. by the frequent denial of the debitum, which, it is foreseen, will lead to adultery. CAPELLO, F., *De Sacramentis*, V, n. 826; PAYEN, G., *De Matrimonio in Missionibus*, II, n. 2469; WERNZ-VIDAL, *Ius Canonicum*, V, n. 639.

and such remote causality as disputes, quarrels, or a serious lack of charity certainly does not fall under the present consideration²⁴.

Condonation of the crime of adultery likewise deprives the innocent party of the right of separation, provided this condonation is granted knowingly, freely, interiorly, expressly, or tacitly. Frequently, condonation will be expressed openly in view of the generous nature or spirit of longanimity of the innocent party in order to save a family name and children from disgrace, and the like.

Canon 1128, parag. 1, distinguishes express and tacit condonation. Naturally, express condonation, if clearly stated in words or similar signs, is of unmistakable import. The law, however, explains the meaning of tacit condonation and describes the presumption of law granted to it. If the innocent party, cognizant of the other's unfaithfulness, continued to live with the erring consort with *affectio maritalis*, tacit condonation exists. Thus tacit condonation is had by giving the complete or incomplete act of marriage. If the innocent spouse had not dismissed, left or instituted a separation suit against the guilty one within a period of six months, the law grants the presumption of tacit condonation. It is clear from the words: "postquam de crimine adulterii certior factus est," that the lapse of time is to be computed as a *tempus utile* and as beginning from the time that the aggrieved consort became aware of the breach of marital faith²⁵. There would be an additional presumption against the innocent party should the adultery be notorious²⁶.

The innocent party frequently condones the adultery when the sin was committed only once, more through human weakness than because of any depravity of morals. This is particularly the case where there is no infamy or scandal involved²⁷.

If both consorts commit adultery, the crime of one is considered as compensated by the crime of the other, and hence neither consort would have the right to separate. Thus the legal axiom would be applicable:

²⁴ DOHENY, W., *Canonical Procedure in Matrimonial Cases*, II, 623. GASPARRI, op. cit., II, n. 1371; WERNZ, F. X., *Ius Decretalium*, (vol. IV, Romae et Prati, 1911), IV, n. 714; DE BECKER, J., *De Matrimonio Praelectiones Canonicae*, p. 399.

²⁵ Canon 35.

²⁶ Canon 16, parag. 2: "Ignorantia vel error circa legem aut poenam aut circa factum proprium aut circa factum notorium generatim non praesumitur." Both are presumptions of law and therefore admit of contrary proof whether direct or indirect—Canon 1826; REGATILLO, E., *Ius Sacramentarium*, II, n. 586.

²⁷ VERMEERSCH, A.—CREUSEN, J., *Epitome Iuris Canonici* (6. ed., Vol. II, Mechliniae-Romae: H. Dessain, 1940), II, n. 440; OJETTI, B., *Commentarium in Codicem Iuris Canonici* (4 vols., Romae: Apud Aedes Universitatis Gregorianae, 1927-1931), IV, n. 131; WERNZ, F. X., *Ius Decretalium*, IV, n. 720.

"Paria delicta mutua compensatione tolluntur²⁸." If one consort committed adultery several times, or even frequently, and the other consort sinned only once, there would still be no right to separation. One delinquency of this nature, provided it is certain, is sufficient to deprive a guilty party of the right of separation.

A case may occur wherein both the husband and wife have been guilty of adultery. One consort later abandons this sinful way of life, while the other consort, despite pleadings, remonstrances, and warnings, continues to commit adultery. Has the repentant consort the right of separation if the other consort continues in sin? The probable and more common opinion is that the repentant consort enjoys the right of separation²⁹.

If the crime of adultery was certain, but occult, the more probable opinion holds that the innocent consort may invoke the right of separation, at least in the forum of conscience. However, in practical cases of this nature the law of charity demands the scandal and the defamation of the culpable party be avoided. If the innocent consort actually departed, the other consort could institute a suit *de spolio* to request the ecclesiastical authorities to compel the innocent party to return to conjugal cohabitation lest greater evils might eventuate³⁰. The duty of conjugal cohabitation is certain and proved³¹, whereas the right of separation in an occult case is not publicly proved³².

Another problem which may occur is the following: the innocent consort commits adultery after the permission for separation has been granted by the ecclesiastical authorities. One opinion maintains that the party is then bound to return to conjugal cohabitation because compensation has occurred and the right of separation was based on the condition of innocence. St. Alphonsus and others deny the existence of any such obligation since, in their opinion the sentence of the ecclesiastical authorities gave the right to perpetual separation in virtue of which the matter became irrevocably adjudged³³. Nevertheless, the proponents of

²⁸ C. 6, X, *de adulteriis et stupro*, V, 16; POTTHAST, A., *Regesta Pontificum Romanorum inde ab anno post Christum natum MCXCVIII ad annum MCCCIV* (2 vols., Berolini, 1874-1875), II, n. 3387 (hereafter referred to as *Potthast*).

²⁹ AERTNYS, J.—DAMEN, C., *Theologia Moralis*, II, n. 931; ALPHONSUS MARIA DE LIGORIO, S., *Theologia Moralis*, (ed. nova cura et studio P. L. Gaude, 4 vols. Romae: Typis Polyglottis, Vaticanis, 1905-1912), I, n. 966; SCHMALGRUEBER, F., *Ius Ecclesiasticum Universum*, IV, n. tit. XIX, n. 108; SANCHEZ, *op. cit.*, Lib. I, disp. VII, n. 4; PAYEN, G., *De Matrimonio in Missionibus*, II, n. 2469.

³⁰ Canon 1560, 1°: 1698-1700

³¹ Canon 1128.

³² GASPARRI, P., *De Matrimonio*, II, n. 1175

³³ Canon 1902.

this opinion concede that reconciliation should be advised so as to avoid scandal and further danger of the souls of the consorts³⁴.

The proponents of the latter opinion appeared to hold that the causes of separation of consorts were to be reckoned among the causes which became irrevocably adjudged, i. e., *transeuntes in rem iudicatam*. However, on April 8, 1941, the Pontifical Code Commission clearly defined that the causes of separation are to be reckoned among those causes which never become irrevocably adjudged, as referred to in Canons 1903 and 1989³⁵.

CRIMES CONSIDERED EQUIVALENT TO ADULTERY

Certain heinous crimes, particularly when they are habitual, are considered by many authors to constitute sufficient grounds to authorize or to justify perpetual separation³⁶.

Sodomy.—Sodomy is unnatural carnal copulation either with a person of the same sex (perfect sodomy) or of the opposite sex; the latter or heterosexual sodomy consists in rectal intercourse (imperfect sodomy).

Marriage effects the union of the spouses in one flesh by the consummated act of coition. Carnal coition unites or breaks the union, whether performed naturally or unnaturally. If however the act of sodomy is done with the selfsame spouse, there is no breach in marital fidelity nor severance of their carnal oneness. It may however provide a ground for temporary separation, especially if repeated and insistent acts of this nature constitute a spiritual danger to the soul of the other consort³⁷.

However an act of sodomy with another person, be it perfect or imperfect, and not just the immoral touches or contacts which may produce emission, does constitute a cleavage in marital oneness and is a ground for perpetual separation³⁸.

³⁴ AERTNYS, J.—DAMEN, C., *Theologia Moralis*, II, n. 934.

³⁵ *Pontificia Commissio ad Codicis Canones Authentice Interpretandos*: 8 apr. 1941: "An causae separationis coniugum recensendae sint inter causas nunquam transeuntes in rem iudicatam, de quibus in canonibus 1903 et 1989.—Resp.: Affirmative."—*Acta Apostolicae Sedis, Commentarium Officiale* (Romae, 1909—), XXXIII (1941), 173.

³⁶ SANCHEZ, *op. cit.*, Lib. I, disp. IV, n. 3; ALPHONSUS DE LIGORIO, *Theologia Moralis*, I, 962.

³⁷ SANCHEZ, *op. cit.*, Lib. I, disp. IV, nn. 6—7.

³⁸ ALPHONSUS DE LIGORIO, *op. cit.*, I, 962; SANCHEZ, *op. cit.*, Lib. I, disp. IV, nn. 2—3.

Bestiality.—Bestiality is the coition of a human being with an animal be it male or female. Even if the animal is of a specifically different nature, the carnal union in itself, a degrading unnatural act, is a violent rupture to marital fidelity and oneness. The impossibility of generation, as in the case of sodomy, does not mitigate its rupturing effect and disgraceful nature. It constitutes a sufficient ground to justify perpetual separation³⁹.

REV. EMILIO STA. RITA, JR., J.C.L.

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³⁹ AERTNYS-DAMEN, *Theologia Moralis*, II, n. 931; FAYEN, G., *De Matrimonio in Missionibus*, III, n. 2464; WERNZ-VIDAL *Ius Canonicum*, V, n. 639; Cappello's opinion on the same subject is somewhat different: "Adulterio aequiparatur, iuxta plures, sodomia cum tertia persona et bestialitas. At revera adulterium proprie dictum non sunt; idcirco applicatio non occurrit."—*De Sacramentis*, V, n. 826.

“MATER ET MAGISTRA” APPLIED TO SOCIO - AGRARIAN CONDITIONS IN THE PHILIPPINES *

MATER ET MAGISTRA

Those amongst you have read the recent encyclical of Pope John XXIII must have been reminded, from the first to the last line, of the fact that the Church is the Mother and Teacher of all nations. She is the mother of all nations because the document carries the mark of the present pontificate: goodness and pity on the crowds. Laborers, farmers and all underdeveloped countries occupy a big place in the heart of the Holy Father. She is the Teacher of all nations because very difficult and intricate matters are expounded in this world letter in a way which is not beyond the mental grasp of non-sociologists.

It is with a very special love that the Holy Father devotes a considerable part of his encyclical to the farm-rural people, the conditions they are living in, the problems they have to face, the dignity of their profession and the loftiness of their vocation. And when he starts describing the conditions countless farmers all over the world are living in, he seems to be well informed, and one would get the impression that he has spent several years of his life in the Philippines.

He states that in almost all countries an exodus of farm-rural people is taking place from rural areas to urban centers. It is the economic development of those countries, he says, that makes the farmers relatively decrease in number. They want to escape from surroundings that are shut in and devoid of all prospects. They long for novelty and adventures, are attracted by easily-gotten riches and think that they will live in greater freedom in urban centers where they can enjoy the means and facilities of the city. And finally, they are forced out from the rural areas by a low production and a low standard of living.

* Address on the New Encyclical, delivered in the Conference sponsored by Catholic Charities on December 8, 1961.

This alarming situation on a world plane creates in the minds of public authorities, economists, sociologists and social workers the problem of how to reduce the disproportion between the productive efficiency of the agricultural sector on the one hand, and the sector of industry and services on the other hand. In other words: how to free the farm-rural people from their feelings of inferiority and bring their standard of living as close as possible to that of the two other sectors?

Not contented with positing the problem, the Holy Father suggests also the most essential remedies to raise the standard of living of the farmers and to stop that way the exodus from rural areas to urban centers. The farmers, he says, should be provided with all the essential services modern people need to live a truly human life. Methods of cultivation should be improved and innovated. Public authorities should help the farmers in making the right choice of agriculture and enterprise. They should also by means of an adjusted system of taxation, adjusted credit facilities, a social insurance system, price protection, integrating industries and the right structure of enterprise restore, promote and preserve the balance between the agricultural sector and the two other sectors. And finally, the farmers should organize themselves, form cooperatives and professional associations so that their voices be heard, their rights recognized and family-size farms become their own property.

SOCIO-AGRARIAN CONDITIONS IN THE PHILIPPINES

1. The negative pictures.

The world situation pictures by the Holy Father in his encyclical can easily be applied to the concrete agrarian conditions in the Philippines. Also in the Philippines an exodus is taking place from rural areas to urban centers, and all the causes the Pope enumerates are in fact contributing to it, especially the fact that the agricultural sector in the Philippines is a depressed area in which countless farmers are living in sub-human conditions. There are in the first place the inferiority complex and the desperate outlook on life which suffocate the desires and hopes of the farmers for social and economic betterment. There is the concentration of the Philippine soil in the hands of a few, and the subsequent high rate of land tenure. There are the usurious rates of interest imposed upon the small farmers who are almost always living in indebtedness. There is the too small number of family-size farms, the defective socio-agrarian legislation and the poor implementation thereof. There is the lack of cooperatives and professional associations. There are the antiquated methods of cultiva-

tion, the small number of integrating industries and the insufficiency of credit facilities. There are the poor barrio schools which do not prepare the children for life. And finally, there is the lack of public funds, lack of unity amongst government agencies, and lack of essential services.

This negative picture of the socio-agrarian conditions in the Philippines is in its vagueness not so alarming as it is in concrete reality. It does not appeal to us in these general terms and does not make palpable to us the social unrest in the Philippines in the agrarian sector, culminating in the communistic Hukbalahap Movement after World War II. This negative picture is a skeleton that has to be revived, to be made concrete, visible to our eyes and audible to our ears. For, there is much to be seen and much to be heard in the agrarian sector in the Philippines. But, before doing this, let us first be positive, consider for a moment the positive measures taken by the government and private institutions, so as not to do injustice to the good efforts of many by an unjust exaggeration and generalization of the sad conditions in the agrarian sector in the Philippines.

2. The positive picture.

In the last decade much has been done for the far-rural people in the Philippines. Many government agencies have been created for the socio-economic upliftment of the farmers. There is the Bureau of Agricultural Extension, the Presidential Assistant on Community Development, the Philippine Rural Reconstruction Movement, the National Resettlement Rehabilitation Administration, the Land Tenure Administration, the Agricultural Tenancy Commission, the Agricultural Credit and Cooperative Financing Administration, the Farmers Cooperative and Marketing Association, and finally, there is the Court of Agrarian Relations.

In the field of education also the government efforts have to be praised. There are in the Philippines five agricultural colleges: The College of Agriculture in Los Baños, the Central Luzon Agricultural College, the Mindanao Institute of Technology, the Visayan Agricultural Institute, and the Mindanao Institute of Technology, the Visayan Agricultural Institute, and the Mindanao Agricultural College. Besides these colleges, there is one private agricultural institute of higher learning, the Araneta University. And on the secondary level, there are seventy-five agricultural high schools in the Philippines.

In the fields of integrating industries much has been done also in the Philippines to raise the production as well as to process the agricultural produce. A few may be mentioned: The Maria Cristina Fertilizer Plant in Lanao, the Atlas Fertilizer Plant in Cebu, the Vassine Laboratory in Pandacan and the Poultry Feed Manufactory of San Miguel. Then

there are the rubber factories of Goodyear, Goodrich, Firestone and Marcelo, the many food processing industries and the oil, coconut, paper, ramie, leather, abaca and rope industries.

Huge credits, amounting to about 300 million pesos, have, in the last ten years, been given by the Development Bank of the Philippines as long-term credit for the expansion of agricultural industries. The Philippine National Bank extended large short-term credit to existing agricultural industries. The 140 rural banks, established all over the Philippines, gave, in the last 17 years, credit facilities to agriculture amounting to more than 125 million. And finally, there is still the Agricultural Credit and Co-operative Financing Administration which came to the rescue of the rice and corn industry with a credit of about 200 million in the form of commodity loans, production loans, farm improvement, etc.

Before returning again to the negative picture of the agrarian conditions in the Philippines, we have to mention the socio-agrarian legislation culminating in the Agricultural Tenancy Act of 1954 (R.A. 1199) regulating the sharing procedure between landlord and tenant, and the Land Tenure Act of 1955 (R.A. 1400) designed for land reform and land resettlement. As far as could be ascertained, 34,456 farmers' families have been settled in public domain between the years 1933 and 1960 at the cost of about 50 million pesos, or, at the average cost of more than 1,000 pesos per family. To these have to be added the 3,146 tenants' families who between the years 1956 and 1958 became owners of the land they tilled through the purchase of 16 estates by the Land Tenure Administration.

Considering all these positive measures taken by the government, we are not surprised that the agricultural produce in the Philippines greatly contributes to the national output (about 40%) and earns the country, especially through the exportation of coconut and sugar, an average of more than 600 million dollars yearly.

3. The negative picture again.

This is in a few words the positive picture of the socio-agrarian conditions in the Philippines. Let us now return to our skeleton and let us try to revive it, to make it concrete without, however, exaggerating or generalizing the sad agrarian conditions in the Philippines.

We first state the fact that the total area of arable land in the Philippines amounts to about 17 million hectares. Of these 17 million hectares suitable for cultivation only about eleven million are under cultivation, so that about 6 million hectares of usable land remain untapped or idle. We further say that 40% of the existing farms are 50 hectares or bigger and that these large farms are in the hands of one tenth of one per cent of

the population. This implies that there are millions of farmers, owners as well as tenants who are cultivating extremely small farms. This concentration of the Philippine soil in the hands of a few brings necessarily with it that a big part of the land under cultivation is worked by tenants and agricultural laborers. The part worked by tenants is estimated at 50% of the total cultivated land area. Of this large number of tenants more than 50% work farms which are smaller than 2 hectares, especially in Central Luzon, Negros Occidental and Oriental. What this means at the present low level of production can easily be seen if we do some figuring. A tenant who has a wife and four children and works two hectares of first class land can have an average produce of 80 cavans of rice. At the price of 10 pesos per cavan this family of six persons has a gross income of 800 pesos a year. From this gross income have to be subtracted the share of the landlord, all the expenses the farmer made during planting and harvesting season and the loans with interest he got from the landlord. If we estimate the landlord's share at 30 cavans or 240 pesos, the loan and interest at 150 pesos and the expenses at 100 pesos, the net yearly income of about 300 pesos is left for a family of 6 persons. This is less than 1 peso a day to be shared by 6 persons. But, often the net income of the tenant is less than 300 pesos a year, the farm he works less than 2 hectares and the produce less than 40 cavans per hectare. The consequence of this is that the poor farmer has to loan again from the landlord, the moneylender or the barrio store for his own sustenance and that of his family, so that right after the harvest he is indebted again to several persons. In Negros Oriental the per capita income of the farming population is 26 centavos a day. This means that each person of the tenant family has to provide for himself three meals a day from these 26 centavos. That is why he has to be satisfied with rice and some salted fish. And it does not matter much whether a farmer who works only 2 hectares is a tenant or the owner of the farm. With the present low level of production it is just impossible to support a family from the produce of 2 hectares. While Spain produces 135 cavans per hectare, Italy 117 and the United States 88, the Philippines produces only 28 cavans per hectare. This fact has led to the sad truth that also owners of small farms became indebted to money-lenders and finally lost their land. And it does not matter either whether a farmer works on a rice or sugar estate, either as a tenant or a laborer; his net income seldom exceeds the 300 or 400 pesos.

In the above mentioned case we did not mention the usurious practices which are wide-spread in the Philippines. The best known amongst them is the "takipan" which consists in this that the tenant has to return 2 cavans of rice for every cavan borrowed. If he is not able to return the 2 cavans at the next harvest, his debt is doubled at the following harvest. The "takipan" however, is not the only form of interest. There are milder forms too many to enumerate them all. And it would be an injustice to

state that all landlords are usurers, for there are landlords who do not claim any interest at all. Nevertheless, usurious practices in the Philippines have led to the permanent indebtedness of many small farmers and the loss of many small holdings.

The inevitable consequence of this state of affairs is that countless tenants, small farmers and agricultural laborers due to their permanent indebtedness and total dependence on landlord or money-lender do not see any exit anymore. They have become desperate, do not hope anymore for a better future and advise their children to leave the province and go to the city where they can earn 4 pesos a day and receive all essential services.

Another consequence is that the small farmer is not much interested in improving his methods of cultivation. If he were sure that he could retain the land and that his share in the harvest would become bigger, he would still be hampered by superstitious beliefs and practices concerning seed selection and the planting of the seedlings. It is just unbelievable how many don'ts there exist around the seed selection and the planting of the seedlings, so that the adoption of new methods of cultivation, as the Masagana/Margate System becomes very difficult.

A third fact that hinders the small farmer in improving his standard of living is that he often does not know about the existence of the socio-agrarian laws which concern him personally, or, thinks that the law is not applicable to his case. In case the farmer is informed about the existence of the law and knows that it is applicable to this case, he is often afraid to claim his rights from the landlord because he never knows how it will end. Suppose he will lose the suit! What will happen to him and his children? Or, suppose that he makes plans together with the majority of his co-tenants to file a petition for the expropriation of the estate and the subsequent distribution of the land amongst the tenants so that they themselves become the owners thereof! Will the Land Tenure Administration be able to consider his case? There are so many cases under consideration which have not been given any attention! And what in the meantime? How to face the landlord on whom he depends for cash advances, seeds, and oftentimes for food rations? But, maybe he can settle himself somewhere on public lands? But, there are thousand of young families who would like to be helped by the government. And where are the funds? Millions are not enough here. Here we should think in terms of billions. But what, if the national income of the Philippines has to be shared by 27 million and the population grows at a speed of 3% a year? And if this national income is only 10 billion? And what then, if the government agencies not only lack funds and personnel, but also poorly organized so that they overlap each other? Much has been

done, as we said, for the farming population in the Philippines, but much more has still to be done!

SOME REMEDIES

The means to improve the standard of living in the Filipino farmer, to make him the owner of the land he tills, to provide him with family-size farms of 6 or more hectares, to higher the production of the land, to reduce the disproportion between the productive efficiency of the agriculture sector and the two other sectors, to give the farmer a new hope for the future, to create for him the possibility to lead a life in accordance with his human dignity, all these means have been recommended by our Holy Father, and before him, by Filipino scholars, economists and sociologists. The question is not so much *what* must be done, but more *how* it must be done. It is a question of legislation, organization and implementation.

First of all, social leaders should be formed who visit the farmers and convince them not only for their rights, but also and in the first place of their human dignity on which these rights are based. They should also make them see their own problems, and bring home to them that these problems can be solved. People who for so many years have lived in abject misery have practically given up everything, and pronounce so easily the words "bahala na" or explain everything with the "suerte." They should be encouraged and convinced of their tremendous power if united. Only then, if the farmers see again some prospects in life can they start working and hoping again. Strong christian-oriented organizations are needed in the farming sector of the Philippines so that, as the Pope expresses it, "their voices will be heard." Strong organizations are needed which support the powerless individual farmers when they claim their rights. Only then they can demand a better agrarian legislation and the full implementation of the existing laws, so that their share in the harvest will be more fair, and the land-reform and land-resettlement plans will be executed. As long as the farmers are not supported and backed up by strong organizations, they are constantly living in fear and ignorance, and unable to claim their rights. The Land Reform Act should then be amended from its essential defects which impede it to be implemented on a large scale. First of all, the stipulation that the majority of the tenants have to file a petition for the expropriation of the estate should be removed. Secondly, that the estate must be larger than 300 hectares of contiguous land. It is especially these two stipulations which impede the effective implementation of the law.

Once the farmers' hope for a better future is revived can they start forming credit unions which should be formed by themselves and for

themselves, not by the government. Then also have they the courage to form cooperatives to protect themselves against middlemen, to acquire the needed materials for the innovation of their methods of cultivation, to higher the level of production, and to sell their products at reasonable prices.

In all this government has to play a very important role, especially by providing the huge capital needed for the expropriation of large estates and the settlement of small farmers in public domain.

Another task, equally essential as the former, is to revise its agrarian legislation and to see to it be fully implemented.

A third essential task of the government is to better organize its agencies so that they harmoniously and effectively work together for the economic upliftment of the farmer.

The government should also extend all essential services to the farming population, as: good roads, electricity, drinking water, medical care, irrigation pumps, a better adjusted education, etc.

The most important task, however, of the government may be the development of an harmonious economy with sufficient agricultural industries, instead of our assembling and packing industries, so that more agricultural products can be processed and exported.

For all this, however, tremendously big funds are needed which the Philippines cannot raise in the near future. She has, therefore, to open the country to foreign capital, to foreign investors, and even to foreign experts. An open economy is the answer to the economic problems in the Philippines. The social problem in the Philippines is in the first place an economic problem, and has, therefore, to be solved by adopting a second economic policy. An economic system that is closed because of exaggerated nationalism and a misunderstood Filipino First Policy, an economic system with foreign exchange controls, credit restrictions and an unfavorable investment climate makes the development of the rich natural resources of the country impossible because it paralyses almost all efforts towards economic expansion. There can be no rapid growth in the Philippines unless by a rapid employment of the natural resources. But, instead of allowing for further economic development, a closed economic system inevitably leads to the destruction of the Philippine economy as can easily be seen from the present low international reserves, the low level of production, the high number of unemployed and the social unrest in the country. The answer to communist threat in the Philippines is an open economic system, economic freedom, abolition of exchange controls, the moderation of the present nationalism so that a favorable investment climate can be created. There is no time to be wasted anymore. The situation in the Philippines is serious, more serious than one

would think, and is still aggravated with the still more serious conditions in other Asian countries. Foreign investments will not adversely affect the Philippine economy. On the contrary, where there is economic growth there is employment. Where there is employment there is prosperity. And where there is prosperity, there is no serious communist threat.

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PASTORAL SECTION

HOMILETICS

QUINQUAGESIMA SUNDAY (March 4)

THE LIGHT OF THE SOUL

"Lord, that I may see." (Luke XVIII, 41)

Introduction:

As you walk along the streets, you always come across blind people; some attired in poverty, while some basking in the splendour of jewelries and parisian clothes.

There are blind who see God; and there are blind who only see their own selves.

A. *THE BLIND OF SIGHT:*

Blindness in itself is not a great evil. It is indeed a deprivation of sight. But still it is a fact that blind people can feel the emotions of others; they can "see" the characters of others with their ears and fingers. What the eyes could not see, they feel and learn by hearing and touch.

Likewise, blindness could be a boon to sanctity. For indeed, how many occasions of sins are avoided by blindness, these days when the sacredness of sex is trampled by perverts, nay, extremely sauced and cattered to the weak and the innocents.

But there is a light that blindness of sight could see; the light of Grace which brings a man closer to God; the light that gladdens the sorrowful; the light that gives hope to the desperate; the Light that is the happiness of man on earth.

B. *THE BLIND OF SOUL:*

While Christ easily cured the blind of sight, it needed violence, His death and resurrection to open the mind of unbelievers to the truths of His doctrines. It needed His death and resurrection to open the eyes of the apostles about His real Messiahship. That the kingdom of God is not of this world.

It requires violence often to make people realise their mistakes. It requires death sometimes to let people return to the path of righteous living and to the Sacraments; the return of people who are blinded by sin of the flesh; people who see no one else but themselves. They adore no God but their ego. They crave to please none but themselves.

C. *THE LIGHT:*

If heaven is taken by violence; it is often the violence that rocks the nature of man; desintegrates his ego, and from the debris of his collapsed egoism, the light of grace finds the real man craving for God.

Violence is necessary not only to return to God, but also to live in God; a violence against evil inclinations that often drags a man to detour from righteous ways; a constant determination and struggle to remain in sanctifying grace, in the Light.

"Lord, that I may see;" that I may see Thee always in my heart.

FIRST SUNDAY OF LENT (March 11)

THE CHRISTIAN WAY OF LIFE

"Jesus was led by the Spirit into the desert, to be tempted by the devil. And when he had fasted forty days and forty nights, afterwards he was hungry." (Mt. IV, 1)

Introduction:

Today the Catholic Church, our Mother reminds us with what spirit we should live our christian life; a spirit of penance and mortification. In every phase of Christ's life, there always loomed the shadow of the Cross; the blood tainted cross that opened the gates of heaven.

A. *THE DESERT:*

But before the Cross was tainted with blood, there was the desert of solitude, the desert of communion with God.

Often times, we see people, young and old, led by the Holy Ghost into the desert of solitude; the solitude and quietude of a church; and there in communion with God.

How many times you have felt that urge to be alone with God, to commune with God? But did you follow the bidding of the Holy Ghost?

The Holy Ghost led Christ into the desert of solitude; He led the apostles; He led St. Paul, the hermits and monks. Why should we go into solitude? Because we are of Christ; we are not of the world. Christ is peace, the world, disorder; Christ is justice; the world, unjust and deceitful; Christ is charity, the world, selfishness and greed.

We are of God; and our soul seeks to be freed from the tentacles of worldly pleasures and anxiety; our soul seeks to be united with God.

B. *CHRIST FASTED:*

In solitude, Christ fasted, to show us that solitude is not sufficient to produce harmony, peace and happiness in the soul of man.

Christ also invited us to a spirit of mortification; to live under the shadow of the cross. "If any one will come after me, let him deny himself, and take up his cross daily and follow me." (Lk. IX, 23)

But why is mortification necessary? First, because, original sin though erased by baptism, leaves in our souls some footprints: death, miseries, ignorance, concupiscence and evil tendencies which constitute the old man in us and which we must conquer by continuous mortification. Also, evil habits which dispose and incline man to sin, must be overcome by doing opposite good habits; self denial, strong determination and prayers.

Secondly, we are created to be happy with God in heaven; this demands the supremacy of the soul over the body and passions; and this spirituality is only brought about by mortification; continuous mortification strengthens the will; and a strong will against evil brings peace in the soul.

C. CHRIST AND CHRISTIANS:

In this gospel, Christ has given us an example. "I have given you an example, that you also may do likewise." (Jn. xiii, 15)

There should only be one and the same life of Christ, and the christians; that similarity of life which proceeds from the spirit of Christ; that spirit which makes us live and love in God. "And if we have not the spirit of Christ, we are none of His, "If you live according to the flesh, you shall die, but if by the spirit you mortify the deeds of the flesh, you shall live. For whosoever are led by the spirit of God, they are the sons of God. . . . "And if sons, heirs also: heirs indeed of God, and joint-heirs with Christ; yet so, if we suffer with him, that we may be also glorified with him." (Rom. VIII, 13, 14, 17)

SECOND SUNDAY OF LENT (March 18)

THE GLORY OF MT. THABOR

"And he was transfigured before them." (Mt. XVII, 1)

Introduction:

The noon-day reality was fast approaching; the shadow of the Cross was ebbing, and the shore of Mt. Calvary was rising. The son of God will be put to death and the third day rise again. Put to death, the death on the Cross; an ignominious death of a lord. But beyond the ignominy of this death, there glowed a glory on Mt. Thabor.

A. THE GLORY OF CHRIST:

The apostles had always seen Christ in the form of man; they believed in Him as the Son of God: but they never saw Him in His theandrical glory, His glory as God-Man, until that day on Mt. Thabor, "he was transfigured before them, and his face did shine as the Sun, and his garments become white as snow."

He appeared in glory before the apostles, as He would be seen on the day of Judgment. It was the glory of His Divinity and His Soul permeating His Body. It was not the glory of a glorified body. For the glory of His glorified Body had to wait for the glorious resurrection and ascension. But what matters is we see here the splendour of the glory of our future.

B. THE GLORY OF MAN:

Indeed, we see here the glory that awaits us; the glory of our soul united with God; and the glory of our body participating the glory of the soul in heaven after resurrection.

There will be joy forever; no more sufferings; our body will be subtle, capable of penetrating solid bodies; as Christ passed through closed doors.

It will be agile; rapid and swift as thought; as swift as when Christ disappeared from the eyes of the disciples at Emmaus.

It will be splendid with the brightness at Mt. Thabor. This is the glory that Christ has in store for us. The glory that we should see above the cross.

C. THE WAY TO GLORY:

This glory is the purpose of our living; yes, as we live, treading the narrow path overshadowed by the Cross. Nay, it is the way of the Cross. The way is rough and thorny.

The doubting Thomas had said: "Lord, we know not whither thou goest; and can we know the way?" (Jn. XIV, 5)

Now, our Lord has shown us; where He would go, and where all of us will go. The way? "Ought not Christ to have suffered all these things; and so to enter into his glory?" (Lk. XXIV, 26)

How about us? "Through many tribulations we must enter into the kingdom of God." (Act. XIV, 21)

Look, then my friends, beyond Mount Calvary, above the tainted cross; for there beyond, on Mount Thabor, there glows a real glory.

ST. JOSEPH (March 19)

EXEMPLARY HUSBAND AND WORKER

"...Joseph...being a just man." (Mt. I, 19)

Introduction:

Today when there is no job more sought after than the white collar job, where fingernails are kept well manicured; where there is less sweat and dirt; where dignity seems to dwell not in the white-

ness of the heart, but in the whiteness of one's collar, the Church offers us the example of St. Joseph, a just, obedient and responsible man, the foster-father of Christ.

A. *ST. JOSEPH:*

St. Joseph was just; just in the sense, that he possessed all virtues, and for this reason, he was declared Patron of the Universal Church.

He was an obedient man; always faithful to the biddings of God through His angels for the good of the family. "And Joseph rising up from sleep, did as the angel of the Lord had commanded him." He "arose, and took the child and his mother by night and retired into Egypt." He "arose and took the child and his mother and came into the land of Israel."

At Nazareth, St. Joseph earned his living, laboring by the sweat of his brow; and thus gave sustenance to the Son of God and His mother. He sought not the limelight; but preferred a quiet life, an exemplary life of holiness; an example to all workers and husbands.

B. *DIGNITY OF A WORKER:*

St. Joseph was a worker. And he showed us that the dignity of a working man does not consist in the whiteness of his shirt, but in the whiteness of his work, in his honesty and goodness.

The farmer who tills the field, a carpenter who makes tables or chairs; a shoemaker hammering the rubber sole; all of them are just as dignified and honorable in their trades, as anyone who is honest and faithful to his duty.

Nay, each of them is more respectable and pleasing before God's eyes than clean shirted or white collared officials who are corrupt and immoral.

The Son of God also was a worker. He did not disdain to work in a carpentry shop under the tutelage of St. Joseph of Nazareth.

C. *EXEMPLARY HUSBAND:*

From St. Joseph one can learn not only to be an honest worker, to earn one's bread with honest labor, respecting the rights of others, as one would like others to respect him; doing his duties to others as one would like others to do their duties to him; but also to be an exemplary husband.

A married man has an obligation from God to make his family happy; a happiness not based on economic security alone, but coupled with the spiritual security founded on the unity of the family with God.

St. Joseph brought the child Jesus to the temple after eight days for namegiving ceremony, the figure of baptism. Then after the time for the purification of the mother, Jesus was brought again for the presentation, the symbol of Child-blessing and offering today; and every year during Paschal time, St. Joseph brought the family to Jerusalem. And this could very well represent our annual duty of confession and communion.

Do not these things show the solicitude of St. Joseph over the spiritual welfare of his family? He was conscious of his responsibility, even if he knew that Christ was the Son of God.

Parents, do you have the same solicitude for the spiritual good of your children? Do you have them baptized eight days after birth? Do you bring them for the blessing? Do you remind them or bring them to church for their confession or Easter duty?

Do you aim to bring them back to God? They are God's children, you know. And they have a right to an everlasting happiness with God in heaven.

You have seen the example of St. Joseph; follow him.

THIRD SUNDAY OF LENT (March 25)

THE STANDARD OF CHRIST

"He that is not with me, is against me; and he that gathereth not with me, scattereth." (Lk. XI, 23)

Introduction:

Our Lord's life was a constant assertion of our duty to follow God, to love Him and live with Him and in Him. "Come and follow me." "He who loves me, loves the Father also; and my Father and I will make our abode in him."

But in today's gospel, Christ describes the lot of those who do not abide in Him. "He that is not with me, is against me; and he that gathereth not with me, scattereth."

A. *TO BE OR NOT TO BE:*

With the sacrament of Baptism, we are stamped with the seal of true christianity. We have a duty to be true to our Faith by living a true catholic life.

But are we true to our Faith? Are we for or against the principles of Christ's true Church? In our daily life, at home, in school, in the office, even in the market, are we for God or against God?

In the affairs of our country, in politics, in government, in labor problems, in social welfare, in education, are we for God or against God? To be with God, or not to be with God. Since we cannot serve two masters, we must choose the good and reject the evil; we must love God and despise the Devil.

B. *DOUBLE STANDARD:*

But what are the facts? These; that there are politicians who would sacrifice their faith just to gain votes; that there are doctors who, pledged to preserve life, in reality are murderers of infants; that there are so charitable people who are really vampires who suck the blood of the poor by usury.

The facts lead to one point: there are Catholics who shake hands with the Devil to achieve worldly aim or fame.

But above this tragedy, there stands the goodness of many more Catholics who can rally together against the prevalent evil. Yes, we can rally against smut literatures, movies, advertisements, and programs in T.V. and radio.

But we need the cooperation of government officials. And are not our councilors, and most of our congressmen and senators, Catholics? Then they should know their duties to God for the good of our nation.

C. *THE STANDARD OF CHRIST:*

Nay, every Catholic should know and understand the moral principles of the Church. A man has always a capacity to learn principles, even if he cannot fathom the reasons behind them.

We must bear the real standard of Christ every day. For just as our churches are open every day, so we must be practical Catholics every day.

There are people who wave a banner, but not the real standard, for they uphold some theological and moral doctrines opposed to Divine revelations and natural law.

We cannot say that we bear the standard of Christ, when our actions and words, thoughts and ideas are opposed to the teachings of Christ and His Church. We cannot say that we are with Christ, when we do not defend Christ.

"He that is not with me, is against me; and he that gathereth not with me, scattereth."

FR. JEPHTE M. LUCENA, O.P.

MISANG SAGUTAN

(DIALOGUE MASS)

- Pamphlet size, 3½ x 5¾, of 44 pages, prepared according to the new norms given by the Holy See in 1961.
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CASES & QUERIES

EVENING MASSES

In a "motu proprio" decree of March 19, 1957, the late Holy Father Pope Pius XII allowed afternoon Masses on weekdays. If a Priest likes to say the afternoon masses on certain occasions on weekdays, like general Holy Communion of children, or doing some mission work in the barrios, has he to ask first and as many times as he wants the permission of his Bishop, or he can do it without recurring to the Bishop as he does on his morning masses?

PARISH PRIEST

The "motu proprio" decree mentioned by our consultant is very clear regarding the celebration of the evening Masses. It runs as follows:

"Ordinarii locorum, exceptis Vicariis Generalibus sine mandato speciali, permittere possunt Missae celebrationem horis postmeridianis quotidie, si bonum spirituale notabilis partis christifidelium id postulet" (Cfr. *Boletín Eclesiástico*, 1957, pag. 250-251).

The concession is made to the local Ordinaries, not to the priests. Hence, a priest who, moved by the spiritual welfare of a notable part of the faithful, plans to celebrate Mass in the afternoon, has to ask permission each time, unless the Ordinary has given him such faculty for a number of times or indefinitely.

FR. EXCELSO GARCÍA, O.P.

DE RE LITURGIA

Iacobus, Coadiutor cuiusdam paroeciae, a proprio Parocho mittitur ad festum celebrandum alicuius "bar-

rio". Ibi debet celebrare: tum duas Missas cum cantu: unam in honorem Patronae illius "barrio", scilicet B. Virginis Mariae sub titulo "Salvationis", aliamque in honorem S. Rochi Confessoris; tum tertiam Missam recitatam "de Requiem" pro defunctis illius "barrio", quotannis a fidelibus "barrio" expetitam.

Optimates seu praesides illius "barrio" decernunt illas Missas celebrandas esse diebus 21, 22 atque 23 septembris, id est, in festo S. Mattaei Ap. et Evangelistae, Feria VI et Sabbato Quatuor Temporum; et a Sacerdote Coadiutore petunt Gloria et Credo pro duobus prioribus Missis ad maiorem solemnitatem. Quae omnia Coadiutor peregit inexpertus sive ad preces fidelium exequendas sive propter magnum concursum populi. Unde quaeritur:

1. Quae Missae votivae cum cantu permittuntur diebus 21, 22 et 23 Septembris?

2. Permittiturne aliqua Missa "de Requiem" die 23 Septembris?

3. Licetne iuxta Novum Decretum Sacrae Congregationis Rituum celebrare Missam votivam diebus in casu citatis ratione externae solemnitatis in festo patronali "barrio"?

4. Sufficitne concursus magnus populi ut Gloria et Credo addi possint in Missis votivis?

5. Quid dicendum de modo agendi illius Parochi?

6. Quomodo peccat Sacerdos addens Gloria et Credo ut placeat fidelibus aut celebrans votivas Missas cum non haec permittant rubricae?

7. Potestne Ordinarius loci facultatem concedere ut Missae votivae celebrentur cum Gloria et Credo?

SACERDOS

Responsionem curabimus dare sequentes Decretum Generale S. Rituum Congregationis circa novum codicem Rubricarum Breviarii ac Missalis romani, promulgatum die 26 iulii 1960. quod integre publicatum evenit in hoc "*Boletín Eclesiástico de Filipinas*" mensibus octobri et sequentibus anni 1960.

I. Casus imprimis potest referri: a) vel ad celebrationem festi patroni principalis aut secundarii oppidi vel civitatis quod revera est celebrandum in capella erecta in illo "barrio"; b) vel ad celebrandum festum alicuius "barrio" particularis qui possidet capellam in honorem B. Mariae Virginis sub titulo "Salvationis". De hoc secundo videtur loqui casus praesens, sive quia nulla mentio ibi fit de festo patroni oppidi vel civitatis, sive quia quaestiones ponuntur circa Missas *votivas*, sive quia de duobus prioribus Missis cantatis dicitur fuisse *votivas* simpliciter.

II. Cum casus videatur referri ad Missas *votivas*, adhuc difficultas potest moveri:

a) vel de Missis votivis permissis, iuxta novum Decretum Generale S. Congregationis Rituum, "in solemnitate externa festorum" (de quibus in nn. 356 et ss *Decreti*) quae "solemnitas externa alicui festo aut ipso iure competit aut peculiari indulto conceditur" (n. 357 *Decreti*), ex. gr. "solemnitas externa ipso iure competit: festo Patroni principalis rite constituti" (n. 358 *d*), et "festis I et II classis quae cum peculiari populi concursu celebrantur: cuius rei iudex est loci Ordinarium" (n. 358 *c*);

b) vel "de Missis votivis in quibusdam occasionibus peculiaribus" permissis, ex.gr. "*pro diversis coetibus*, uti sunt confraternitates, societates piae, uniones professionali et similia: conventus generales annui; conventus extraordinarii plurium coetuum eiusdem generis; iubilaea maiora et similia" (n. 370 *d*); quae Missa "unica pro singulis occasionibus, est votiva II classis, et celebratur aut de mandato aut de consensu respectivi Ordinarii" (n. 371);

c) vel de Missis votivis *IV classis* in novo *Decreto* dictis quae possunt celebrari tantum diebus liturgicis IV classis (Officium Sanctae Mariae in Sabbato et feria IV classis, cfr. nn. 27, 28), pro quibus "sumi potest quaelibet Missa, quae a rubricis tanquam votiva permittitur. Requiritur tamen iusta causa, scilicet sacerdotis celebrantis vel fidelium necessitas, utilitas aut devotio" (n. 388), in quibus "haec servantur: a) non dicitur *Gloria*, nisi in Missis de Angelis, quocumque die, et in Missa de B. Maria Virg., in sabbato...; c) *Credo* semper omittitur; d) si in cantu celebrantur, adhibetur tonus ferialis" (n. 388).

Missae vero votivae classis a) et b), antea memoratae, in novo *Decreto* dicuntur Missae votivae II classis quae permittuntur celebrari omnibus diebus liturgicis II, III, et IV classis (n. 341), et habent haec privilegia: "a) dicuntur cum *Gloria*, nisi adhibeatur color violaceus paramentorum; sed sine *Credo*, nisi ratione dominicae aut octavae occurrentis dicendum sit; b) ad-

mittunt unam tantum commemorationem, et excludunt collectam ab Ordinario loci imperatam..." (n. 343).

Non apparet clare de quibus Missis votivis in a), b), et c), explicatis supra, agatur in casu. Et sic responsio ad dubia erit diversa secundum classem Missarum votivarum.

III. Ad *primum*: die 21 septembris, occurrente festo S. Matthei Ap. et Evangelistae quod pertinet ad festa II classis ad dies liturgicos II classis (cfr. in novo *Decreto* nn. 91 et 16 atque Tabellam dierum Liturgicorum) permittitur Missa votiva aut I aut II classis; et haec eadem Missa votiva permittitur quoque die 23 et 24 septembris occurrentibus Feriis Quatuor Temporum quia "Feriae Quatuor Temporum Adventus, Quadragesimae et mensis septembris sunt dies liturgici II Classis (nn. 91 et 18 *Decreti*). Ratio est quia "nomine Missae votivae II classis intelligitur Missa votiva quae celebrari permittitur omnibus diebus liturgicis II, III et IV classis" (n. 341 *Decreti*).

Ad *secundum*: Die 23 septembris, occurrente Sabbato Quatuor Temporum, permittitur Missa "de Requiem" I classis, ex.gr. Missa exsequialis (*Decretum* nn. 405 et 406), aut II classis, ex.gr. "Missa post acceptum mortis nuntium" aut "Missa in ultima defuncti sepultura" (n. 410). Quia "omnes Missae defunctorum II classis permittuntur dummodo: b) non occurrat dies liturgicus I Classis aut dominica quaevis" (n. 411).

Ad *tertium*: cum distinctione. Si diebus 21 et 22 septembris celebretur in "barrio" festum cui *solemnitas externa* competit aut ipso iure aut peculiari indulto, ex.gr. si agatur de festo Patroni principalis rite constituti aut de festis I vel II classis quae cum peculiari populi concursu celebrantur, cuius rei iudex est loci Ordinarius, tunc Missa votiva illius festi permittitur quia Missa Votiva II classis permittitur omnibus diebus liturgicis II, III et IV classis (n. 341); et "nomine solemnitatis externae alicuius festi intelligitur celebratio ipsius festi absque Officio, in bonum fidelium, vel die quo festum impeditur, vel in dominica quando ipsum occurrit infra hebdomadam, vel alio statuto die" (n. 356); et de hoc festo "cuius fit solemnitas externa, celebrari potest una Missa in cantu et altera lecta, vel duae Missae lectae, tamquam votivae II classis, excepto casu de quo n. 358 c". Iam diximus etiam quod Missa Votiva (II classis) in solemnitate externa festorum, competit ipso iure, inter alia, festo Patroni principalis, rite constituti (n. 358 d). Idem dicendum est de Missa votiva II classis quae celebretur *in occasionibus peculiaribus*, propriis "coetibus quibusdam particularibus aut parti tantum fidelium" (n. 370), ex.gr. celebratio "pro diversis coetibus, uti sunt confraternitates societates piae, uniones professionali et similia" (n. 370 d).

Sed diebus 21, 22, aut 23 septembris, occurrentibus diebus liturgicis in casu indicatis, Missae votivae III classis non permittuntur a rubricis novi Decreti quia Missae votivae III classis tantum possunt celebrari diebus liturgicis III aut IV classis; Feriae siquidem Quatuor Temporum mensis septembris adscribuntur diebus liturgicis II classis (nn. 91 et 18). Multo igitur minus permittuntur Missae votivae IV classis illis diebus.

Unde ad deducendum an permittatur illis diebus Missa votiva in honorem B. V. Mariae aut S. Rochi oportet prius, iuxta distinctiones datas, cognoscere qua de causa festum patronale "barrio" celebretur, de quo melius Parochus aut Ordinarius loci iudicabunt.

Ad *quartum*: negative cum iam in Generali Decreto novi Codicis Rubricarum expresse dicatur *Gloria* esse privilegium aliquod Missarum votivarum II classis (n. 343 a), *Gloria* vero et *Credo* esse privilegium Missae votivae I Classis (n. 330 a). Nulli deinde in Decreto adducitur ratio sive "externae solemnitatis" sive "magni concursus populi" ad *Gloria* vel *Credo* addendum in Missis votivis.

Ad *quintum*: Si Coadiutor illa omnia peregit de consensu Parochi aut loci Ordinarii, non inordinate procedit, praecipue si experientia ministeriali adhuc carebat. Si vero tantum egit motus precibus optimatum illius "barrio", non est dignus laude, maxime si ille dubium habebat circa Rubricas in novo Decreto.

Ad *quintum*: Responsio non est facilis. Quia Sacerdos, etiam inexpertus, fortasse nondum acceperat Decretum novum Rubricarum, vel non habuit tempus ad dubia deponenda ita ut possit dici excusatus a culpa. Sacerdos vero si neglexit cognoscere novum Decretum Rubricarum vel consulere sive Parochum sive loci Ordinarium, non faciliter ab aliqua culpa excusaretur quae, ratione materiae, non videtur excedere levitatem.

Ad *sextum*: Certe in novo Decreto Rubricarum nullibi constat de facultate concessa Ordinario loci ad addendum *Gloria* aut *Credo* in Missis votivis quae ex propria categoria hoc non requirant. Sed utique potest Ordinarius loci: a) vel in aliquibus casibus iudicare utrum festum I aut II classis, propter magnum concursum populi debeat celebrari cum solemnitate externa ita ut possit celebrari Missa votiva II classis quae, secundum rubricas novi Decreti, debet dici cum *Gloria*, etsi non cum *Credo* (n. 343); b) vel permittere aut concedere ut unica Missa votiva II classis celebretur in variis casibus (n. 371), ex.gr. "*pro diversis coetibus* uti sunt confraternitates, societates piae, uniones professionali et similia" pro qua Missa rubricae exigunt *Gloria*, non *Credo*, ut diximus.

FR. V. VICENTE, O.P.