

# BOLETIN ECLESIASTICO DE FILIPINAS

VOL. XXXVII

JANUARY, 1963

NUMBER 413

## EDITORIAL

### *The Pope Speaks*

#### The Work of the Church

Very recent events have created an atmosphere of so-called relaxation, which has caused hopes to blossom anew in many minds after life has been lived for so long in a state of fictitious peace, in a situation of very great instability that more than once has been threatened with complete rupture.

All of that makes obvious how rooted in the souls of all is the craving for peace.

In order that this common desire may be promptly fulfilled, the Church prays confidently to Him who rules the destinies of nations and can direct the hearts of rulers to good. No daughter of the world, but living and working in the world, the Church, as it has from the dawn of Christianity, offers 'prayers, intercessions and thanksgivings... for all men; for kings, and for all in high positions, that we may live a quiet and peaceful life in all piety and worthy behaviour,' as St. Paul wrote to Timothy. So also today the Church accompanies with prayer whatever in international relations contributes to the tranquility of meetings, the peaceful resolution of controversies, the rapprochement of peoples, and mutual cooperation.

Besides prayer, the Church makes available its maternal offices, points to the incomparable treasure of its doctrine and urges its children to lend their active cooperation for peace, recalling St. Augustine's famous invitation: 'It is more glorious to slay away with words than men with steel; and it is true glory to secure peace by peaceful means.'

It is a function and office proper to the Church that it should devote itself to peace, having omitted nothing that was within its capacities to obtain peace for nations and individuals. The Church looks with favour on every initiative which can help to spare humanity new conflicts, new massacres and incalculable new destruction.

**POPE JOHN XXIII**

*Christmas Broadcast to the world  
December 23, 1959*

## Virtues Meriting Peace

If men are not often able to confer peace, they can, to a certain extent, merit it by their fidelity to the moral law, by their concern to promote the blossoming and growth of all seeds of good placed by God in human hearts.

You see the virtues that deserve peace, gentlemen, depicted on the walls of this hall — rightly called Clementine — in which the Christmas Mass is being celebrated today for the first time. Our predecessor, Clement VIII, wishing to honour the first pope of his name, St. Clement, had here represented — in addition to the martyrdom and glorification of the pontiff — four virtues, one on the top part of each wall.

These virtues are justice, clemency, religion and charity: indeed a magnificent Christmas bouquet, harmonizing as it does with the mystery of the divine Child in the Crib, Who came to teach every man these virtues of which He is the perfect example!

But these virtues, like the great gift of peace, must be expected from heaven. *Hodie nobis de coelo pax vera descendit!* chants the liturgy of the Roman Church: it is from heaven that real peace descends today! And it is from heaven that the prayers of men will foster the descent of all that is the object of the most ardent wishes of humanity.

You, Excellencies, gentlemen, are aware of these things and for that reason wished to come here tonight to unite yourselves in Our prayers.

Together with you, thanks to radio and television, are many others, invisible spectators. We are thinking particularly of the aged and of the sick, who, unable to leave their homes, have thus at least the comfort of being in a certain manner present at the Pope's Mass.

May they be assured of a special thought in Our prayers and of Our most paternal encouragement.

**POPE JOHN XXIII**

*To members of the diplomatic  
corps in the Vatican.*

*December 25, 1961*

## SACRA CONGREGATIO RITUUM

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### DE ADDITIONE NOMINIS SANCTI JOSEPH IN CANONE MISSAE

#### DECRETUM

#### URBIS et ORBIS

Novis hisce temporibus Summi Pontifices non unam nacti sunt occasionem ut ritibus sollemnioribus cultum S. Ioseph inclyti Beatae Mariae Virginis Sponsi augerent. Prae omnibus autem Pius Papa IX eminet, qui votis Concilii Vaticani I annuens, Ecclesiae universae castissimum Deiparae Virginis Sponsum, die octava decembris anni 1870, caelestem Patronum designavit. Praedecessorum suorum vestigia persequens Sanctissimus D. N. Ioannes Papa XXIII eundem Sanctum Ioseph non tantum Concilii Vaticani II, quod Ipse indixit, "Praestitem salutarem" constituit, sed motu proprio etiam decrevit Eius nomen, tanquam optatum mnemosynon et fructus ipsius Concilii, ut in Canone Missae recitaretur. Quod consilium die 13 Novembris proxima superiori per Cardinalem suum a Status secretis, Concilii Patribus in Vaticana Basilica congregatis publice aperuit iussitque ut praescriptum inde a die octava proximi mensis Decembris, in festo scilicet Immaculatae Conceptionis Beatissimae Virginis Mariae, in praxim deduceretur.

Quapropter haec S. RITUUM CONGREGATIO, voluntatem Summi Pontificis prosecuta, decernit ut infra Actionem post verba: "*Communicantes... Domini nostri Iesu Christi*", haec addantur: "*sed et beati Ioseph eiusdem Virginis Sponsi*" et deinde prosequatur: "*et beatorum Apostolorum ac Martyrum tuorum...*"

Statuit etiam ipsa S. Congregatio ut huiusmodi praescriptum diebus quoque observetur in quibus peculiaris formula "Communicantes" in Missali praescribitur.

Contrariis non obstantibus quibuscumque, etiam speciali mentione dignis. Die 13 Novembris 1962.

A. Card. LARRAONA,

S. R. C. *Praefectus*

Henricus Dante,  
Archiep. Carpasien., *a Secretis*

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Affected by the decree is only the "Communicantes" within the Canon of the Mass, so that beginning Dec. 8th, it should read as follows:

"Communicantes, et memoriam venerantes, in primis gloriosae semper Virginis Mariae, Genitricis Dei et Domini nostri Jesu Christi, sed et beati Joseph eiusdem Virginis Sponsi, et beatorum Apostolorum ac Martyrum tuorum....."

The S. Congregation also decreed that the aforesaid should be observed even in Masses with a proper "Communicantes".

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## SACRA CONGREGATIO CONCILII

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### DECRETUM

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

Plurimorum Episcoporum ex multis nationibus votis obsecundans, SSmus Dominus Noster Joannes Pp. XXIII, praesenti Sacrae Congregationis Concilii Decreto, gratiam deinceps anticipandi obligationem abstinentiae et jejunii a die vigesima quarta, pervigilio Nativitatis Domini Nostri Jesu Christi, ad diem vigesimam tertiam mensis Decembris omnibus orbis catholici fidelibus concedere dignatus est.

Datum Romae, die 3 Decembris 1959.

P. Card, CIRIACI, *Praefectus*

P. PALAZZINI, *a Secretis*

## Catholic Welfare Organization

From the Apostolic Nunciature we have been informed that the petition of the Philippine Hierarchy concerning some changes in the Liturgical calendar for the Philippines was graciously granted by the Sacred Congregation of Rites.

In view of the foregoing, the Sacred Congregation has approved on September 3, 1962 (Prot. N. D40/962) and transmitted the "Calendarium Perpetuum in usum Dioecesium Insularum Philippinarum", thereby eliminating from the liturgical calendar for the Philippines the following feasts which were being celebrated as proper in all ecclesiastical territories of the country:

1. festum S. Pudentianae Virginis, patronae secundariae Insularum Philippinarum, dupl. II cl., d.m. 19 maii;
2. festum B.M.V. sub titulo Auxilium Christianorum, dupl., d.m. 24 maii;
3. festum Eucharistici Cordis Iesu, dupl., fer. V. post oct. Corporis Christi;
4. festum S. Rosae Virginis Limanae, patronae secundariae Insularum Philippinarum, dupl., II cl., d.m. 30 aug.;
5. in manifestatione B.M.V. a Sacro Numismate, dupl., d.m. 27 nov.;
6. festum B.M.V. vulgo de Guadalupe, dupl., d.m. 12 dec.

The aforesaid "Calendarium Perpetuum..." has retained only the feast of the Immaculate Conception of the Blessed Mary, principal patroness of the Philippines (dupl., I cl., d.m. 8 dec.) in the liturgical calendar of the country.

Except, therefore, for the feast of the Immaculate Conception of the Blessed Virgin Mary, the calendar for the Philippines coincides completely with the universal calendar.

MSGR. MARIANO G. GAVIOLA  
*Secretary General*

**CAUSA DE BEATIFICACION Y CANONIZACION O DECLARACION DE MARTIRIO  
DEL SIERVO DE DIOS M. R. P. FR. MARIANO URBANO PORTA,  
DE LA ORDEN DE PREDICADORES**

**E D I C T O**

NOS, DR. D. CASIMIRO MORCILLO GONZÁLEZ, POR LA GRACIA DE DIOS Y DE LA SANTA SEDE, ARZOBISPO DE ZARAGOZA,

**HACEMOS SABER:**

I. Que, a instancias del Vicepostulador de la Causa, M. R. P. Evergisto Bazaco Sánchez, O. P., y en nombre y por mandato del Postulador General, M. R. P. Tarsicio M. Piccari, O. P., se va a iniciar en esta Curia Eclesiástica la Causa de Beatificación y Canonización o Declaración de Martirio del Siervo de Dios M. R. P. MARIANO URBANO PORTA, de la Orden de Predicadores.

Y para ello hemos nombrado un Tribunal Delegado que queda constituido por el Excmo. y Rvdm. P. Teodoro Labrador, Arzobispo de Foochow, como Juez Delegado; el M. I. Dr. D. Santiago Castillo Hernández, como Promotor de la Fe; el M. I. Dr. D. Luis Vicente Cantín, como Notario Actuuario; el M. R. P. Dr. Patrocinio García, O. F. M., como Notario Adjunto y Sustituto; y el R. P. Delfín Castañón, O. P., como Cursor.

II. Que, preceptuando los Sagrados Cánones que, una vez abierto el Proceso Diocesano de Beatificación, se proceda a la búsqueda y recogida de cuantos escritos sean o se atribuyan al Siervo de Dios que se pretende beatificar, con el fin de que, reunidos, se envíen a la Santa Sede,

**DISPONEMOS:**

1º Que todos cuantos retengan escritos de dicho Siervo de Dios, impresos o inéditos, verbigracia, cartas particulares, tarjetas manuscritas, sermones, diarios, autobiografías y cualesquiera otros escritos redactados de su propia mano o mandados redactar a otros por sí mismo, los entreguen cuanto antes al Tribunal nombrado o al Promotor de la Fe, o por lo menos, los exhiban ante los mismos miembros del Tribunal para sacar copia auténtica de ellos.

2º Que los que tengan noticia de algún escrito del Siervo de Dios no entregado o exhibido al Tribunal de referencia, bien se halle en poder de personas particulares o bien en bibliotecas o archivos públicos, den pronto cuenta de palabra o por carta al Tribunal instructor, indicando las circunstancias para poder reclamarlo en la debida forma.

3º Que se requiera a todos los Superiores de la Orden de Predicadores que remitan todos los escritos que posean del referido Siervo de Dios al Tribunal instructor de la Causa.

III. Que, imponiendo el canon 2.023 del vigente Código de Derecho Canónico la obligación sagrada de poner en conocimiento de la Iglesia, excepción hecha de lo conocido en confesión sacramental, cuanto se sepa en contra de la santidad o martirio del Siervo de Dios, cuya beatificación se pretende,

#### DISPONEMOS:

1º Cuantos fieles tuvieron en vida del Siervo de Dios amistad o trato con él, lo manifiesten a Nos o al Promotor de la Fe, per carta o de palabra, para que puedan ser citados como testigos de información, si el Tribunal lo estimare conveniente.

2º Los que canozcan algún hecho particular, adverso o favorable a dicha santidad o martirio, a no ser que hayan ya declarado ante el Tribunal instructor, remitan a éste un relato breve del hecho, firmado por el remitente y con las señas de su domicilio.

3º Los religiosos y religiosas que se encuentren en las circunstancias anteriores (y no puedan fácilmente presentarse a declarar), se dirijan, por carta sellada y cerrada, directamente al Tribunal instructor o ya por medio de su confesor, dando cuenta de lo anteriormente indicado.

4º Aquellos que no sepan escribir y se hallen comprendidos en los apartados arriba notados, avisarán por conducto de sus párrocos o confesores, los cuales han de dar cuenta, sin dilación, a Nos o al Promotor de la Fe.

IV. Mandamos, finalmente, que este Edicto se publique en el BOLETÍN ECLESIAÍSTICO DEL ARZOBISPADO; que sea leído al Ofertorio de la Misa Mayor de un domingo o día de precepto eclesiástico en las parroquias de nuestra diócesis y en todas las iglesias de Alcañiz; y que se fije un ejemplar del mismo en los lugares acostumbrados de dichas parroquias e iglesias, advirtiéndolo a los fieles que, aun cuando no haya plazo perentorio, la Iglesia quiere que las disposiciones aquí enumeradas sean cumplidas en el plazo más breve, no excediendo, a ser posible, de dos meses a contar desde la fecha de su publicación, a fin de no demorar el resultado de la Causa.

V. Exhortamos a todos que eleven sus plegarias al Señor, para que se cumpla su Santa Voluntad en este asunto de tanta importancia y trascendencia para mayor gloria y exaltación de nuestra Santa Madre la Iglesia.

Dado en Zaragoza, a 19 de julio de 1962.

+ CASIMIRO, ARZOBISPO DE ZARAGOZA.

Por mandado de Su Excia. Rvdma.,  
el Arzobispo, mi Señor:

DR. LUIS BORRAZ, Canc.-Scrio

## DOCTRINAL SECTION

### --- **"MATER ET MAGISTRA"** **AND THE PHILIPPINE BIRTH RATE**

In our present era of crass materialism and nuclear megaton weaponry; when the sensational advances of Science and Technology have made possible the discovery of hitherto unknown secrets of the Cosmos and the successful orbiting of man into space, but at the same time giving man a false feeling of self-sufficiency; when the wanton aggressiveness of Godless Communism in various world sectors is dangerously pushing the world to a gruesome catastrophe of possible nuclear annihilation, the reign of the present Pontiff, John XXIII, the Pope of the masses and of Christian unity, enkindles a feeling of renewed hope and re-assurance for sobriety, for a better understanding among men and nations within the context of justice and morality.

Within the brief period of less than three years of His Pontificate, Pope John XXIII has made two great significant achievements:

1. His clarion call for Christian unity and a return to the ancestral home thru the Ecumenical council; and
2. His great encyclical, *MATER ET MAGISTRA*, recently released.

#### **MATER ET MAGISTRA —**

Together with the other two, the *Rerum Novarum* and the *Quadragesima Anno*, the new encyclical, *Mater et Magistra*, forms a magnificent symposium of Christian social teachings which embodies the remedies for social ills, and the ways and means of stemming the Communist advance in various parts of the world. It is a further broadening of the principles laid down by the *Rerum Novarum* and their proper adaptation to the present prevailing world conditions.

Contrary to Marxian Communist Manifesto which calls for violence and hatred, pitting man against man and class against class, the *Mater et Magistra* calls for love and brotherhood instead of hatred, emphasizes the interdependence of all nations and the "responsibility of all for the undernourished people of the world."



Covering every field of human endeavour, it meets the increasingly poignant problem of *over-population* by enjoining us that "these problems must not be confronted and these difficulties are not to be overcome by having recourse to methods and means which are unworthy of man and which find their explanation only in an utterly materialistic concept of man himself and of his life."

It is this aspect of this great encyclical, *Mater et Magistra* in relation to the so-called "Population Explosion" that concerns us presently, especially in relation to our own increasing birth rate.

### WORLD POPULATION PROBLEM —

Although the problem of population increase has been studied since ancient times even by famous greek philosophers, in relation with social, economic, military and other human factors, it was actually after the end of the Second World War that the general public and economic experts have become alarmingly aware of "the problem of our age", to use the words of Huxley. The United Nations organization made special studies on the subject and in 1954 convened an international conference in Rome for mutual exchange of information.

In a U.N. publication entitled, "The Future Growth of World Population" the following points were emphasized: That, whereas it took the human race 200,000 years to achieve a 2,500 million population, it will take only 30 years to add another 2,000 million. So, if the present rate of increase continues, in 600 years "only one square meter of earth will be left for each person to live on".

TABLE I

YEAR	WORLD POPULATION
1950	2,500 million
1958	2,800 million
1980	4,289 million
2000	6.7 billion

As can be seen from the above table, at the end of our century, the estimated world population would be 6.7 billions. If accurate the picture appears somber indeed, but not really desperate, and seems to remind us of the highly controversial Malthusian Theory that population increases by geometric ratio, while the means of food production only by arithmetical ratio.

Although the increase in population is a world-wide phenomenon, it does not, however, follow the same pattern, or rate of increase in all countries, being faster in the underdeveloped regions like Asia, Africa, and Tropical South America, than in Europe or the United States.

From 1951 to 1955, for example, the rates of increase in these regions were: in Asia 1.7%; in Africa 2.2%; in Europe only 0.7%, per year; in the U.S. 1.8%; while in Puerto Rico it is as high as 3%, but still slightly less than that of the Philippines (3.2% in the latest 1960 census). The table below shows the expected increase in population in 1970 of the U.S. and some European countries in contrast with Asiatic countries like China and India:

TABLE 2

Country	Present Pop.	Pop. in 1970	Increase
United States	184 million	204 million	20 M.
United Kingdom	51 million	53.7 million	2.7 M.
France	43.3 million	47.4 million	4.1 M.
China	600 million	799 million	199 M.
India	386 million	504 million	118 M.

As can be seen above, the expected increase in population of China, and India are phenomenal in comparison with those of the European Countries. Strangely enough, the United Kingdom and France expected a decline in their population in the ensuing years, starting with the year preceding the last war. No less than Winston Churchill, Lord Nathan and Sir William Beveridge called attention to this fact. Beveridge, deploring this decline, said "in the year 1960, there will be a panic about the population of this country (England)," giving as his reason the net reproduction rate of 0.75, much below unity, which meant only 75 births for every 100 deaths. And yet, it can be expected that similar statistical methods were used, as are being used now, which brings to mind what Pope John XXIII says in *Mater et Magistra*: "In every case the elements from which one can draw sure conclusions are too uncertain and changeable", referring to the problem of population.

## THE POPULATION PROBLEM IN THE PHILIPPINES —

After the preliminary consideration of the problem on a global viewpoint let us now glance at our own population statistics in our country.

A rough estimate of the population of the Philippines at the coming of the Spaniards was placed at about one-half million by D.D.P. Barrows, formerly of the Bureau of Non-Christian tribes. The first census was supposed to have been taken in 1877. Prof. Plehn calculates the population of this country in 1896 as about 6,261,000. Census statistics during Spanish times often excluded non-Christian in the count, and hence could not have been very accurate.

Recently, demographers and economists in this country received a jolt with the recent release of a preliminary report on population which was placed at roughly 27.5 million, a 3.2% increase over the 1948 population which was only 19.2 million a net increase of over 8 millions in the last twelve years. Altho the report is still "preliminary", it caused rather a stir since the official estimate for such period was only 25 million, or a rate of increase of only 2.9%.

A comparison with population statistics of 134 other countries listed in the United Nations handbook, shows that only 11 nations that could be considered progressive, or well developed, exceeded the rate of increase of the Philippines.

TABLE 3

Philippine Population — 1903 — 1960	
1903	7,635,426
1918	10,314,310
1939	16,000,303
1948	19,234,182
1960	27,473,000 (Prelim.)

What are the possible causes of this unprecedented increase in our population? In the first place, it must be stated that in the opinion of no other than the Director of the Bureau of Census and Statistics, Mr. Manuel Bucnafe, there is a possibility that the 1948 figure of 19.2 million was a slight underestimation, but he emphasizes at the same time that the last (1960) figures are more accurate, since there was a much better and longer preparation of the personnel involved in the process of enumeration, as well as modern facilities which were not available before.

Although agricultural and industrial factors are contributory to the swift growth of population in general, the main causes are the reduction of disease and the fall in death rate, thru advances in Medical Science, coupled with increase in birth rate. As is shown in Table 4 below, while there has been a steady decrease both in the total Death Rate from 273,141 in

1939, to 176,448 in 1959; and in Infant Mortality Rate for the same period, from 76,377 in 1939 to 66,114 in 1949 (no figures for 1959); there has been a notable increase in Birth Rate from 522,423 in 1939 to 616,893 in 1959:

TABLE 4

Population	1939	1949	1959
Marriages	95,618	123,003	141,876
Birth Rate	522,432	609,138	616,893
Death Rate	273,141	231,151	176,448
Infant Mort. (under 1 year)	76,377	66,114	

There has been a similar decrease in Death Rate in other parts of the World, except in some of the underdeveloped countries where native customs or habits and unhygienic conditions are seemingly insurmountable barriers. The Death Rate in Puerto Rico, for example, fell from 11.8 per thousand in 1947 to only 7.2 in 1955. In Britain, Infant Mortality is 26.5 while in India, despite improvement, it is 200.

The crux of this population problem of our age lies in the thorough and adequate study on a world-wide scale of the relative relationships between the population and density on the one hand, and the means of subsistence on the other. How to attain an adequate and harmonious balance between these vital factors is the essence of the solution to this problem

A study of population density in the Philippines shows a population of 185.6 per square mile. This figure compares, in general, favorably with our asiatic neighbors: Pakistan, with 207 per sq. mile; India, with 303.8; Japan, with 598.5; Indonesia, with 138.9, etc. as shown in Table 5 below.

TABLE 5

Country	Area in miles	Persons per sq. mi.
PHILIPPINES	115,707 sq. mi.	185.6
Pakistan	364,737	207.
India	1,221,880	303
Japan	146,690	598.5
Indonesia	575,893	138.9
Italy	116,408	410.8
Australia	2,974,581	3.0
New Zealand	103,736	20.1

You will notice that Italy has practically the same area as the Philippines, and yet she has 410.8 persons per sq. mile. On the other hand, Australia and New Zealand have the lowest: 3 and 20.1, respectively.

A comparison of population densities among the various provinces in the Philippines, reveals the following: while Pampanga and Cebu have over 500; and Rizal, over 700 persons per square mile, Palawan, Mindoro and Zamboanga, have each only 18, 41 and 69 respectively. A judicious program for re-settlement to the less congested provinces will help relieve congestion in some areas.

With regard to the means for subsistence, a thorough study should include statistics of food production, industries, cultivated areas, tillable and still uncultivated land, etc. which would be too extensive, and beyond the scope of this paper. However, we could take our per capita income as one of the bases upon which to make at least an approximate appraisal of the situation.

The Philippine national income for the fiscal year ending June, 1960 was placed by the Presidential budgetary message at 10,111 million, with a per capita income of ₱397, which if based on the 27.5 million population of the 1960 census, is further reduced to only ₱356.56, an amount that is rated among the five lowest in per capita income, the other four much lower than ours, being: Pakistan with ₱104; India with ₱124; Thailand with ₱116; and Ceylon with ₱232.

Compared with other countries, Japan had ₱506 (1957 figure); Italy, ₱808; Greece, ₱532; and Mexico, ₱468.

## DISCUSSION OF THE PROBLEM —

From the foregoing data and statistics, we are now in a position to make an appraisal of the entire problem of the so-called "Population explosion", particularly in what affects our dear Philippines, and then, find out what are the proper solutions in the light of the teachings of the *Mater et Magistra* encyclical of our beloved Pontiff John XXIII.

Although the general attitude toward the subject is one of worry or concern, there are some writers who minimize it or even ridicule it. This group states that the weight of the human being could equal that of the earth, if the statistics are true, in 5,000 years; and in 14,000 years will have the weight of the universe, and given stellar migration, within a few thousand years, all the stars would be occupied.

Others, more resigned, aver that the eventual world catastrophe that has been prophesied, was based on the present continuing increase of population. Hence, the latter poses more of an academic than a practical problem.

Others believe that the problem will be solved automatically by natural forces such as: 1. The law of Thomas Coubleday, first enunciated in 1837 stating that Nature always counteracts any danger of extinction of the species by an increase in fertility, particularly when this danger arises from lack of food. Thus, "the state of depletion or the de-plethoric state is favorable to fertility, while on the other hand, the plethoric state, or state of repletion is unfavorable to fertility in the ratio of the intensity of each state." This law was amply corroborated in the animal kingdom and also in human populations.

Dr. Raymond Pearl of John Hopkins University found a relatively high correlation between the average wealth in dollars per head, of population and the birth rate per 1000 white American women. Thus he found a low birth rate in Group I with wealth per head amounting to \$3417, (33.2%); and a high birth rate (60.5) in Group II, with, wealth per head amounting to \$18.40. Several other experiments could be cited; and instances such as the Suez Canal project in which the operation of this law has been verified. In this case, there was some opposition to a Government project to eliminate Malaria from the Zones for fear of a great increase in population in the area. But the project was carried out just the same, and with the improved social conditions, there was a decrease, instead of an increase, in population. Thus, Nature, apparently has some automatic way of controlling fertility in the presence of certain environmental factors.

The other natural force usually cited is the so-called Logistic Curve which is shaped like an "S", with the two ends of the letter drawn out to become parallel to each other. So the letter indicates by its shape, there is a most rapid increase in fertility in the first half of the curve, becomes slower in the second half, until at last there is no further increase. This amazing curve, first discovered by Verhulst, a Belgian mathematician in 1938 is, according to Sutherland, found true in the growth of all life

Father Zimmerman believes that the increase in life expectancy brought about by a decrease in death rate and infant mortality, must eventually reach a limit, and "once the frontier of life expectancy will have been reached by most of the human race, and must have been implemented in the various population compositions, the explosion of human numbers will dissipate itself visibly and dramatically, assuming a continuation of present fertility rates. Before the population explosion ends, there may be a doubling of human numbers and a factual population of 11 billion, which would then multiply at a much slower rate."

That there exist natural factors that control human fertility and thus the population rate, I believe, is undeniable, at least to a certain known

extent, but in view of present statistical data which tend to show, with certain allowances, a disproportionately rapid increase in population, in relation to economic development or present means of subsistence, the problem has to be faced squarely and effectively, in a global manner with full international cooperation and unity, as members of the Mystical Body of Christ, as the Holy Father exhorts us to do.

This global cooperation cannot be achieved in the presence of mutual distrust "which produces in the minds of individual human beings and among peoples", in the words of the Holy Father, "a sense of uneasiness and reluctance which lessens the spirit of initiative for the works on a broad scale". And "mutual trust can only begin or increase in the recognition of the MORAL ORDER".

## SOLUTIONS —

The Catholic approach to this problem is clearly shown in the principles formulated in the latest encyclical, *Mater et Magistra*, and may be summarized, as follows:

### 1. Sharing of resources thru international cooperation —

Individual states have no absolute ownership of territories or natural resources, but hold these on trust for the whole of the human race. Pope Pius XII is quoted in his declaration that the human race has a true unity of nature, a unity of purpose, and a unity of dwelling on earth, "of whose resources all men can by natural right avail themselves to sustain and develop life". Pope John XXIII says, "we are all equally responsible for the undernourished countries". He emphasizes "the interdependence of all nations and the necessity of encouraging the free flow of goods, capital and men, with a view to eliminating the imbalance between the wealthy and impoverished lands."

### 2. Increase of food production and living standards —

With full international cooperation and improvement of methods of cultivation, the world can support as much as 28 billion population, according to Colin Clark in 1958.

"God in His goodness and wisdom has diffused in nature inexhaustible resources, and has given to man intelligence and genius to create fit instruments to master it and turn it to satisfy the needs and demands of life... the progress of Science and Technology, already realized, opens up in this direction limitless horizons", says the Holy Father.

Scientists and agricultural experts must be pooled in a great technological effort. The project will naturally be very costly calculated in about 25 billion dollars, which can be shouldered only by the richer

nations; this appears to be a forbidding figure, but the expenses of the U.S. and Russia for armaments are about four times that figure.

New methods of crop rotation and soil management, more extensive irrigation of arable lands, using possibly even sea water, improvement of seed and stock, future use of solar and cosmic energies in a broad scale, are some of the technological improvements to boost food production. That this goal can be attained is proven by the example of Japan which because of increase in food production, supports 3.6 times as many people per hectares of crop land than any other Far Eastern nation. In fact, world food production has increased faster (2.7%) than population.

New sources of food supply can be obtained from soil-less agriculture, synthetic manufacture, expansion of sea fishing and breeding, and even the ocean depths could be rich sources of vegetables and fungi. All these could be well done in our country, with technological know-how.

Fortunately in the Philippines, we still have vast area of tillable land still remaining uncultivated, and great natural resources which are just waiting to be developed and exploited with adequate capital and technological science. And for a long period of time, even if the present rate of population increase continues, we still could, in the opinion of some experts, absorb from 60 to 100 million population.

3. Emigration — a most effective and practical means, at present, to relieve congestion in some densely populated areas and to promote a better distribution of food, is emigration to lesser populated areas, and territories of lesser population density. You have seen that some countries have vast extensions of land areas with relatively small populations, such as South America—particularly Brazil, Chile, etc. Africa, Australia and New Zealand. It is true that present immigration regulations, differences, but these are not unsurmountable.

With regard to this, the Holy Father in *Mater et Magistra*, says, that "Man has a natural right to emigrate since God has provided material goods for all", and quoting his predecessor, Pope Pius XII, "the sovereignty of the State, although it must be respected, cannot be exaggerated to the point that access to this land is, for inadequate and unjustified reasons, denied to the needy and decent people of other nations."

4. The Utilitarian and Protestant approach to the problem, includes among other things the employment of artificial contraceptive methods and the so-called "Family Planning."

This Neo-Malthusian "solution" to the problem, aside from being clearly offensive to the Moral Order, does not really solves the problem, for, even with the so-called "family planning", it could not stem the minimum expected increase of one billion population for 1980.



Pope John XXIII has clearly said in his last encyclical, "The solution does not lie on expedients that offend the moral order, but in the economic and social progress which represents and promotes true human values... in a moral atmosphere". And further he says, "The moral order does not hold except in God; cut off from God, it disintegrates".

Contraception or artificial birth control, whether thru antiseptic douches, jellies, drugs, etc. are well known to cause harm to the health of the woman thru irritation of the delicate mucous membrane of the generative tract, frequently leading to serious infections or even to cancer formation. From the moral aspect, contraception by whatever artificial means, is a flagrant violation of the Natural Law, established by God, for, it is a frustration of the natural effects of a natural act which God, has intended for a definite purpose—the perpetuation of the human race. Recently, the advocates of this immoral method have recommended the use of the so-called "contraceptive pill" which acts by suspending the function of ovulation in the woman. Although apparently not interfering with the natural act itself, as in other methods, it clearly frustrates conception by blocking a natural physiological function—Ovulation, so basically essential in the process of generation of a new human being. Thus, the use of such contraceptive pill is obviously immoral.

In some countries of the world several steps farther down in the ladder of immorality in the frantic attempt at large scale limitations of births, have been taken. Recently, in India, mass voluntary sterilization has been shockingly encouraged. Sterilization is the destruction of the reproductive function of the sexual organs thru surgical procedure, such as castration or vasectomy in the male; or ligation or resection of the Fallopian tubes or ovaries, or hysterectomy in the female. Sterilization may be "eugenic" if done to prevent propagation of unsound offspring; or "therapeutic" if performed as a remedy for an existing fatal or morbid condition, as in cases of hysterectomy due to cancer of the cervix or uterus.

Sterilization, except if "therapeutic" in the above sense, and not as a preventive of pregnancy even if the latter may be considered dangerous for the woman, is morally wrong and never permissible. Eugenic or any other reason cannot justify it. Sterilization is a serious mutilation of the human body and in one of its essential functions. Hence, it is a violation of Natural Law. The State has no power to mutilate its subjects, or to inflict sterilization as punishment for crimes, since the sterilisands have committed no offense, except the eugenic "crime" of being the children of their parents.

The individual has no right to dispose of his own life or of his body integrity, of which he is only the usufructuary. Hence, he cannot "voluntarily" ask for sterilization or even allow it on himself, except on therapeutic grounds as specified above.

Again, recently, the Christian world was shocked at the revulsive news of over a million abortions performed in Japan last year. A million unborn infants murdered within their mothers' wombs by unscrupulous hands, criminally violating the basic right to life inherent in the essential nature of man, and the fifth commandment of God.

Against all these wanton violations of the Moral Law and the mass destruction of human lives, the Holy Catholic Church offers the Rhythm Method or Natural Birth Control to those who satisfy or come under the social, financial, eugenic or therapeutic requirements prescribed by the Church. The Rhythm method is based upon the results of the researches made by Ogino and Knaus which proved that ovulation in women occurred during certain definite dates in relation to the next menstruation. Knowing these dates, which vary according to the menstrual cycle of the woman, and recognizing the period of viability for fertilization purposes, of both the female ovum and the sperm cell of the male, the periods or dates of no fertility in the woman, during which no conception occurs, may be determined. Altho the variability of the menstrual cycle in the female makes this determination difficult the effectiveness of the method has been definitely proven when properly employed and the necessary allowances adequately made.

This method has been employed in India, with varying results in different hands, and as a rule with satisfactory results.

The Holy Father in *Mater et Magistra*, has clearly stated these guiding Christian principles: "We must solemnly proclaim that human life is transmitted thru the family—the family founded in marriage, one and indissoluble, raised for Christians to the dignity of sacrament the transmission of human life is entrusted by Nature to a personal and conscious act, and as such, subject to the all-wise Divine Laws; Laws inviolable and immutable that are to be recognized and observed. Therefore, it is not permissible to use means and follow methods that can be licit only for the transmission of plant or animal life. Human life is sacred from its inception.

"Sacred from its very inception", emphasizes the Holy Father. For man, is a sacramental being with a majestic destiny, imbued with gifts of Nature and of Grace, redeemed by the God-Man on the Cross, and whose dignity and personality, no one in the world of Time can debase.

DR. JESUS M. TAN

## EL PAPA DE LA RE-UNION

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Repasando la Historia Eclesiástica, observamos que pueden contarse hasta 25 intentos por recobrar la unidad perdida por los "disidentes". Entre esas tentativas descollaron las negociaciones tramitadas por Urbano II y e Inocencio III en la segunda y cuarta cruzadas respectivamente: si bien en la primera se interpuso la dificultad sobre el *Primado*, y en la segunda el establecimiento del Imperio Latino en Oriente desbarató el acuerdo. En ambos casos o intentos trabajaron los Romanos Pontífices y hasta los mismos emperadores.

Después debemos mencionar dos grandes Concilios Ecuménicos que se ocuparon especialmente de la *re-unión* de los disidentes. :El Concilio II de Lyon, en 1274, durante el Pontificado de Gregorio X, y el Concilio de Florencia (1438-1445) siendo Pontífice Eugenio IV, que lograron cierta unión con los Ortodoxos, aunque poco duradera.

Finalmente, en la "reintegración de los hermanos separados" se han destacado Leon XIII y sus sucesores, aunque la primacía se la merece el Pontífice Reinante, como vamos a demostrarlo inmediatamente.

**Mons. Roncalli, antes de ser Papa.**— En 22 de Abril de 1961, visitando la Comisión de Misiones, el mismo Juan XXIII "confió a los miembros de dicha Comisión que desde sus quince años de edad, él se había sentido impulsado a rogar por la unidad de la Iglesia". También, él mismo se ha complacido en revelarnos el corazón paternal con que antes de subir a la Sede Pontificia buscaba a los Armenios siendo Patriarca de Venecia, y aún antes siendo Delegado en Rumanía y Constantinopla. Nos refiere igualmente cómo El de vez en cuando en la metrópoli del Bósforo se acercaba al "ciársi" donde las armenios vendían objetos religiosos, y varias veces comprobó las atenciones que los vendedores tenían para el entonces Delegado de Pío XI. En audiencia con los armenios residentes en Roma celebrada en 1 de Febrero de 1959, el Romano Pontífice recordó la amistad y aprecio que le unió al armenio Hovangimian, Prelado que lo fué por 50 años de Nicomedia, y cómo en cierta ocasión presentó al venerable Prelado armenio ciertos obsequios de

Pío XI: una medalla pontificia y una suma de dinero como limosna para los armenios pobres, y se consideraba muy honrado transmitiendo los mensajes entre Pío XI y el ilustre Prelado armenio.

Por la Navidad de 1934, al despedirse de los búlgaros para ocupar el cargo de Delegado Apostólico en Turquía, les decía: "El respeto que yo he mostrado siempre, tanto en público como en privado, delante de todos y cada uno, mi inviolable y pacífico silencio, el hecho de que yo no me he agachado nunca para devolver la piedra que alguno que otro me lanzaba en la calle, me deja la tranquila certidumbre de haber mostrado a todos que yo les amo en el Señor con la fraternal, profunda y sincera caridad que nos enseña el Evangelio... En cualquier parte que yo me encuentre, si un búlgaro errante pasa por delante de mi casa, encontrará en mi ventana un cirio encendido. Llamaré a mi puerta y le será abierta, bien sea católico u ortodoxo; cualquier hermano de Bulgaria puede entrar y encontrar en mi casa la más calurosa y tierna hospitalidad"

Cómo después en Constantinopla trabajó Mons. Roncalli por el acercamiento de los ortodoxos lo pregonan estos hechos: En 1939, Mons. Roncalli organizó solemnes funerales por el difunto Pío XI en la catedral católica de Constantinopla; tanto el Patriarca Ortodoxo como el Armenio enviaron su delegación; el Delegado Apostólico celebró la Misa, pero quiso que actuasen también los otros ritos católicos; en la absolución del túmulo se sucedieron el Vicario Patriarcal melquita, en árabe; Mons. Nicolás, en Búlgaro; el Obispo griego y el armenio, en sus propias lenguas y ritos, y, finalmente, el mismo celebrante. La ceremonia fué el símbolo de la unidad católica en la variedad. Los cronistas del acto subrayaron: La impresión de la asamblea fué enorme".

En Septiembre de 1957 siendo ya Cardenal y Patriarca de Venecia, saludaba en Palermo a D. Lamberto Bardoïn (uno de los que van en vanguardia en la lucha por la unión de los cristianos), y le decía proféticamente; "Para el retorno de las Iglesias separadas había que crear en Occidente una obra paralela a la Propagación de la Fe". Y ahora ya Papa, tiene creado un Secretariado permanente, encargado del problema de la unión.

**Después de elegido Papa.** — Tarea interminable sería revisar todos y cada uno de los documentos del Pontífice Reinante donde aboga por el unionismo católico. Resumiendo nos parece que en esas fuentes pontificias campean estas cuatro ideas: a) Cooperación de los católicos todos al movimiento de reintegración de los disidentes; b) Aproximación entre los católicos y los hermanos separados; c) Contacto prudente de parte de los católicos; d) Sincera y eficaz unión que se desea.

(a) *Labor cooperativa de todos los católicos.*—Bien en alocuciones a grupos de Cardenales (25 de Enero de 1959) o grupos de peregrinos llegados de las diversas partes del orbe católico (por ejemplo a la delegación de Venecia en 15 de Marzo de 1959, a los representantes de la Federación de Universidades Católicas en 1 de Abril de 1959, a los presidentes de la A.C. italiana el 8 de Agosto de 1959), bien en Epístolas dirigidas a Prelados Diocesanos (ex. gr. al Arzobispo de Utrech el 18 de Mayo de 1960), bien en radiomensajes a naciones y pueblos (ex. gr. a los fieles de Francia el 11 de Febrero de 1960), bien en audiencias generales (ex. gr. en Castelgandolfo el 11 de Sept. de 1961, o en el Vaticano el 15 de Marzo de 1961), bien en encíclicas como *Ad Petri Cathedram* (1 de Agosto de 1961), *Aeterna Dei Sapientia* (11 de Nov. de 1961), *Divini Redemptoris* (25 de Dic. de 1961) convocatoria del Concilio Vaticano II, no ha cesado de invitar a la cristiandad entera para que se asocie generosamente a la obra de reconquista de los cristianos alejados del redil de Jesucristo.

(b) *Aproximación de católicos y disidentes.*—Para facilitar la re-uni6n se precisa una táctica esmerada que a la vez conduzca a la aproximaci6n de los hermanos disidentes; es necesario derribar en cierto modo la barrera que impide la comunicaci6n entre cat6licos y disidentes. En este aspecto el Papa ha procurado siempre una coexistencia pacífica y una convivencia francamente amistosa. En prueba de ello recordemos cuán paternalmente ha recibido en su cámara pontificia a la Reina de Inglaterra, al Pastor Roger Schutz, Prior de la Comunidad Protestante de Taizé, al Pastor Thurian, al Dr. Arthur Litchtenderger, Presidente de la iglesia episcopaliana de EE.UU., y a otros varios jefes de la Iglesia ortodoxa o de las sectas protestantes. Jamás el Papa ha cerrado las puertas a cuantos han solicitado una entrevista confidencial con El. Nunca ha echado en olvido las invitaciones recibidas para enviar algunos delegados a las convenciones organizadas por los disidentes, como la misi6n cat6lica enviada a Nueva Delhi a fines de 1961.

El 22 de Mayo de 1959, al recibir a los reyes de Grecia, Juan XXIII se complacía en recordar los nombres de sus predecesores, mártires o confesores de origen griego, como también los nombres de los grandes doctores de la Iglesia.

(c) *Contacto prudente de parte de los católicos.*—El espíritu de caridad universal del Santo Padre ha producido sin duda sus frutos que se compendian en el contacto y en las relaciones de fraternidad y colegialidad. Ya hemos apuntado anteriormente la buena disposici6n con que algunas ramas de los cristianos ortodoxos y protestantes acogieron los deseos de nuestro Pontífice, y cuán gustosos muchos representantes del mundo disidente aceptaron la invitaci6n del Papa de enviar observadores y con-

sultores al Concilio II Vaticano. Todos sabemos cuán benévolo el Papa condescendió en que un Delegado suyo visitara al Obispo de Canturbery y qué exquisito trato a su vez recibió el Cardenal Bea (emisario del Papa a Londres) de parte de la jerarquía de la Iglesia de Inglaterra.

Para fomentar el diálogo entre los hermanos separados y los católicos, el Papa aprovecha todas las ocasiones y multiplica sus gestos significativos. Cuando el Concilio pasó de su fase antepreparatoria a la preparatoria la Misa de la inauguración se celebró en rito bizantino—eslavo (13 de Nov. de 1960); el 16 de abril de 1961 el Papa confería, oficiando El mismo en rito griego, la consagración episcopal a Mons. Coussa, asesor de la Congregación de la Iglesia Oriental, y hacía resaltar que “la unidad de los cristianos” se ventilaría en el próximo Concilio. Recientemente se ha anunciado una segunda conferencia que muy pronto celebrarán representantes de las iglesias Presbiteriana y Católica en Escocia donde se discutirá el problema de unión de las Iglesias (Cfr. *Bol. Ecl. de Filipinas*, Sept., 1962, p. 572.)

(d) *Unión sincera y eficaz*.—El Papa “hace todo lo posible para desarrollar en un clima de paz las inevitables explicaciones. En la primera y segunda sesiones de la Comisión Central del Concilio (junio de 1961) habló con gran afecto de los hermanos separados... haciendo resaltar la actitud de respeto con que ellos esperan la apertura del Concilio”. En 25 de Octubre de 1961 después de recordar que Roma es el centro de la Unidad, añadió: “el sentimiento de la catolicidad no entraña hostilidad alguna respecto a los hermanos separados, sino de especial caridad cuyos frutos concurren a apresurar el día anhelado del *unum ovile* y del *unus Pastor*. Un avance notable en el acercamiento de los hermanos separados lo constituyen las conversaciones y conferencias entre teólogos especializados de una y otra parte, no en plan de disputas como las que se tenían en el siglo XVI, sino de charlas amistosas que eviten los escollos políticos y sirvan para captar el punto de vista del otro y confrortarlo con el propio, para ver con más claridad en qué se está de acuerdo y en qué se disiente, y de este modo poder orientar los propios estudios precisamente sobre este último punto y profundizarlo; ideas que también apuntó el servicio de Prensa del Vaticano en Enero de 1959, a raíz del anuncio del Concilio.

Podemos muy bien concluir que “el actual Pontífice ha sido uno de los más tenaces adelantados de este movimiento de acercamiento y caridad mútuas que ha logrado derretir los hielos de la incomprensión y recelo, y eliminar inveterados prejuicios” (OLAECHEA, *El Próximo Concilio*, p. 65)

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## EXCEPTIONS AND DEFENSES TO LEGAL SEPARATION

The legal separation may be claimed only by the innocent spouse, provided there has been no condonation of or consent to the adultery or concubinage. Where both spouses are offenders, a legal separation cannot be claimed by either of them. Collusion between the parties to obtain legal separation shall cause the dismissal of the petition. (Art. 100)

This article is taken from section of Act 2710. The article is clear that only the innocent spouse can claim and file an action for legal separation, provided, however, that the following defenses are not attendant. These are: (1) condonation or forgiveness; (2) connivance or consent; (3) recrimination; (4) collusion; (5) lack of residence; and finally (6) prescription.<sup>1</sup>

### CONDONATION

Condonation is a pardon by the injured party of the offender with the condition that the offense be not repeated.<sup>2</sup> The pardon may be either express or implied. The various definitions that have been attempted are of necessity so general that it is of little practical use. Frequently, condonation has been defined to be the forgiveness, either expressly or impliedly, by a husband of his wife or by a wife of her husband for a breach of marital duty with an implied condition that the offense shall be repeated and that the offender shall thereafter treat the forgiving party with conjugal kindness. Condonation has also been described as a blotting out of the offense so as to restore the offending party to the same position he or she occupied before the offense was committed.<sup>3</sup> Condonation is also defined as the forgiveness of a marital offense constituting a ground for legal separation and bars the right to legal separation.<sup>4</sup>

<sup>1</sup> CACUIAOA, *Civil Code Annotated and Commented* (Manila: Philaw Publishing Co., 1953), p. 65.

<sup>2</sup> KEEZER, F. H., *A Treatise on the Law of Marriage and Divorce* (3, ed., Indianapolis: John W. Moreland, 1946), p. 553.

<sup>3</sup> CONNELLY v. CONNELLY, 98 MO App. 95; 71 S. W. 1111.

<sup>4</sup> MADDEN, M., *Persons and Domestic Relations*. (New York: Fordham University Press, 1930), p. 300.

**Elements of Condonation.**— The elements of condonation are (1) forgiveness express or implied; (2) with knowledge of the wrong doing accompanied by (3) a continuance of resumption of the marital rights.<sup>5</sup>

The pardon may be either express or implied. It is expressed when by words, oral or written, the offended spouse, forgives the offender. An offer to forgive, however, will not amount to condonation, unless it is accepted or acted upon by the other party.<sup>6</sup> Likewise the mere writing of letters in affectionate terms, by the aggrieved spouse to the guilty one is not a condonation.<sup>7</sup> It is implied when through the act of the injured party the forgiveness may be inferred thus, the act of one spouse having sexual intercourse with the other knowing of the infidelity of the other is implied pardon,<sup>8</sup> unless consent by the wife is simply to maintain harmony in the home and to save her marriage.<sup>9</sup>

Voluntary cohabitation, also is generally held to be proof of condonation, but condonation will not necessarily be implied from the fact that the husband and wife continued to live together if there was no sexual intercourse<sup>10</sup>; and if there is not in fact an intent to forgive<sup>11</sup>. But such a presumption may be rebutted<sup>12</sup>, and if sexual intercourse is intentionally withheld by the injured spouse, putting the other on probation, as it were, the condonation is not complete<sup>13</sup>. Because of the dependent position of the wife, condonation will not so readily be inferred from conduct against her, as it would be against the husband<sup>14</sup>, and where she was in fact under necessity or compulsion in remaining with the husband, there is no condonation<sup>15</sup>. Condonation to be effectual must be the voluntary

<sup>5</sup> LONGINOTTI v. LONGINOTTI, 169 ARK 100; 277 S. W. 41.

<sup>6</sup> BUSH v. BUSH, 135 ARK 512; 205; S. W. 895; 6. A.L.R. 1153; THOMPSON v. THOMPSON, 49 NEV. 375; 247 P. 545; 47 A. L. R. 1123.

<sup>7</sup> LUNDY v. LUNDY, 23 ARIZ. 213; 202 P. 809.

<sup>8</sup> KEEZER, *A Treatise on the Law of Marriage and Divorce*, p. 564.

<sup>9</sup> *Ibid.*, p. 577.

<sup>10</sup> BEEBY v. BEEBY, 1 Haggs. Ecc. 789; JOHNSON v. JOHNSON, 14 Wend N. Y.) 637; 6 MASS 147.

<sup>11</sup> DENNIS v. DENNIS, Mo. App.; 289 S.W. 16; KNIGHT v. KNIGHT (Tex. Civ. App.) 220 S. W. 609; NORMAN v. NORMAN, 88 W. VA. 640; 107 S.E. 407.

<sup>12</sup> BEEBY v. BEEBY, 1 Hagg. Ecc. 789; SNOW v. SNOW, 2 Notes of Cas. Supp. 1, 13; BURNS v. BURNS, 60 IND 259; PHELPHS v. PHELPS, 28 App. D.C. 577.

<sup>13</sup> CHRISTENSEN v. CHRISTENSEN, 125 ME. 397; 134 A. 373.

<sup>14</sup> MITCHELL v. MITCHELL, 193 IOWA 153; 185 N.W. 62; MEYER v. MEYER, 226 KY. 278; 10 S.W. (2d) 844; FISHER v. FISHER, 223 Aupp. Div. 19, 227.

<sup>15</sup> SCHNEKLOTH v. SCHNEKLOTH, 209 IOWA 496; 228 N.W. 290; MCLEMORE v. MCLEMORE (Tex. Civ. App.) 385 S. W. 693; NORMAN v. NORMAN, 88 W. VA. 640; 107 S.E. 407.



act of the injured party and not induced by fraud, force or fear. The test of implied condonation must be that the intent to pardon, based on knowledge of the offense must be voluntary and clearly inferred<sup>16</sup>.

Full knowledge of a matrimonial offense is an essential element of condonation thereof. Consequently, unknown adulteries are not ordinarily condoned. Thus the continued living of a wife in the same room with her husband who had committed prior acts of infidelity unknown to her, does not constitute condonation. Mere suspicion is not sufficient. Thus where prior to a husband's resuming marital relations with his wife, whom he suspects of unfaithfulness, but had no proof, and it was only later on that he discovered evidence showing her intention to leave and elope with another, the fact of his living with her does not constitute condonation, if after learning of this plan, he separates himself from her.

**Conditional Character of Condonation.** — Ordinarily a condonation is conditional, rather than an absolute remission of a matrimonial offense<sup>17</sup>. The condition implied is that the offense which has been forgiven will not be repeated<sup>18</sup>, and good behaviour as a spouse by refraining from acts and conducts in violation of his or her duties and obligations arising from marital status, shall be maintained<sup>19</sup>.

It is to be noted that condonation and revival of condoned acts as the nature of the defense of condonation is conditional in that the offended party forgives the offender if the latter refrain from repeating the act. If there is a substantial breach of this condition, the principal offense will revive as a ground for a decree of legal separation. This is so because the pardon extends only to such offenses as are known to the pardoning party and forgiveness cannot take place without knowledge of the offenses to be forgiven<sup>20</sup>. Condoned adultery may also be revived by violations of marital obligations other than by additional acts of adultery<sup>21</sup> as where the offender's treatment of the offended party amount to a serious attempt on life<sup>22</sup>.

## CONNIVANCE

Generally connivance, as a defense to an action for separation on the ground of adultery, has been broadly defined as "a corrupt consent by one spouse that the other shall commit adultery<sup>23</sup>." A corrupt intent

<sup>16</sup> TOLENTINO, *op. cit.*, 1, p. 285.

<sup>17</sup> COFFEY v. COFFEY 223 ARK 607; 267 S. W. 499.

<sup>18</sup> HARRISON v. HARRISON, 27 ALA 629; 56 AM DEC 227.

<sup>19</sup> LONGINOTTI v. LONGINOTTI, 169 ARK 1001; 277 S.W. 41.

<sup>20</sup> SCHACKELTON v. SCHACKELTON, 21 ATL 935.

<sup>21</sup> NORTH v. RINGLING, 149 FLA 252.

<sup>22</sup> ROBBINGS v. ROBBINGS, 234 IOWA 650; 12 N. W. 564.

<sup>23</sup> JENKINS v. JENKINS, 219 ARK 547; 242 S.W. 1242; 34 A.L.R. 861.

on the part of the complainant that the guilty party commit the offense, is generally considered an essential element of connivance. If the consent was actually given, the intent is impliedly corrupt and the defense is complete; but where the connivance is claimed as impliedly the result of certain acts or omissions, they must appear to have proceeded from an evil motive. Knowledge and helplessness do not constitute connivance<sup>24</sup>

Consent may be express or implied. It is express when the consort signifies orally or in writing his or her conformity to the performance by the other of the offense he subsequently complains of. Consent may likewise be implied from the conduct of the spouse praying for legal separation. The authorities are practically unanimous in holding that if a husband procures his wife to be lured into the commission of adultery, he is deemed as consenting to it and cannot obtain a decree of separation<sup>25</sup>. According to some authorities, even a husband's passive permitting the wife's adultery constitute connivance on his part as much as if he had actively procured its commission. This is so because a duty rests upon the husband to protect his wife from temptation and not leave her or encourage her to her downfall<sup>26</sup>. He must not make opportunities for her though he may leave her free to follow opportunities which she herself has made, beyond his conceivable control. On the other hand mere imprudence, negligence or inattention to the conduct of his wife cannot be considered connivance at her adultery.

Similarly, where it appears that the husband refuses to give his wife a home notwithstanding her known inability to resist temptation, he will not be heard to complain if she falls<sup>27</sup>. And where a wife admittedly knew that by leaving her husband he would seek the embraces of the other women, and was satisfied that while she lived with him he had kept all his obligations to her, and yet she deliberately abandoned him, it was held that her act constituted consent and connivance<sup>28</sup>.

The connivance or consent should however, be distinguished from "entrapment." For example, if a husband is suspicious of his wife and, therefore, pretends to go away on a trip in order that he may watch his wife, and if the wife after the husband has left, leaves for an appointment with her paramour and the husband breaks into the place of assignation and catches them in *flagrante delicto*, this would not be a case of connivance but entrapment and is perfectly valid.

<sup>24</sup> RICHARDSON v. RICHARDSON, 16 A.L.R. 579.

<sup>25</sup> O'NEIL v. O'NEIL, 16 MO APR 246; 15 S. W. 81.

<sup>26</sup> DENIS v. DENIS, 68 CONN 186; 34 IRA 449; 57 AM ST. Rep. 95.

<sup>27</sup> PIERCE v. CRISP, 260 KY 519; 86 S. W. 293.

<sup>28</sup> MOYES v. MOYES, 194 MASS 20; 74 N.E. 814; BAILEY v. BAILEY, 67 N. S. 402.

It is different where he suspects his wife is going to commit adultery for the first time. He is required to give assistance which husband and wife are mutually expected to give each other. There is a difference between the desire of a husband and that his wife, who he believes to be chaste, should commit adultery and his desire to obtain evidence against his wife whom he believes has already committed adultery<sup>29</sup>.

If however, the husband is suspicious of his wife and hires a "gigolo" for the purpose of testing the fidelity of his wife and the "gigolo" is successful and is able to induce the wife to commit adultery, this is not entrapment but connivance. The husband cannot bring the action for legal separation "because he has paved the way to the adulterous bed"<sup>30</sup>.

## COLLUSION

It is the policy of the law to foster marriage and encourage the continuance of the marriage relation once it is brought into existence. Legislative enactments governing the granting of separation are designed to prevent the separation cases. It is accordingly the general rule that collusion between the parties to separation suit precludes the granting of the decree of separation although there is adequate and sufficient cause for separation<sup>31</sup>. It is likewise held that if a contract for alimony or property settlement is part of a collusive arrangement to obtain a separation, the contract is void<sup>32</sup>. The proper practice seems to be, where the complaint has a meritorious cause for separation and where the court is convinced that there is no manufactured testimony or suppressed evidence, but that the suit is collusive, to dismiss the case, without prejudice to the right to bring another suit which shall not be collusive<sup>33</sup>.

**Definition of Collusion.** — Collusion is an agreement between the husband and the wife whereby one of them, for the purpose of enabling the other to obtain a separation, commits a matrimonial offense, or whereby for the same purpose evidence is fabricated of an offense not actually committed or evidence of a valid defense is suppressed<sup>34</sup>. From these, it appears, that there are three elements of collusion:

- (1) the agreement;
- (2) to use improper means to induce the bringing of a suit or to work a fraud on the court;

<sup>29</sup> WHITE v. WHITE, 95 ATL 197.

<sup>30</sup> PIKE v. PIKE, 100 N. J. Eq. 486; 136 A.L.R. 421.

<sup>31</sup> RICHARDSON v. RICHARDSON, 114 N. Y. Supp. 668.

<sup>32</sup> WILSON v. WILSON, 154 MASS 194.

<sup>33</sup> ROBBINS v. ROBBINS, 140 MASS 528; 54 AM Rep. 488.

<sup>34</sup> ABERSTAIN v. ABERSTAIN, 217 ARK 80; 228 S. W. 615.

(3) and an effort to put the agreement into effect. But where the issue is the validity of the contract for alimony or property settlement, it seems, that the presence of the two elements will render it void<sup>35</sup>.

Collusion and connivance are closely related, and the courts have always been careful to distinguish between the two. Connivance is a corrupt consenting of one spouse to the conduct of the other to which complaint is afterwards made, while collusion is a corrupt agreement between husband and the wife looking to the procurement of separation<sup>36</sup>.

It is clearly collusion for the parties to agree that one of them shall institute a suit for separation for a cause which does not exist, although they may have some other grounds<sup>37</sup>. It is also collusion for them to agree to suppress facts which are pertinent and material<sup>38</sup>; or to institute a suit for separation in pursuance of an understanding whereby one of them has committed some offense, such as adultery, for the purpose of affording ground for a separation<sup>39</sup>. And in general it is collusion for the parties to act in concert in the conduct of the suit, even though there may be a valid ground for separation<sup>40</sup>. But the mere fact of the defendant's voluntarily submitting to the service of process is not necessarily collusion<sup>41</sup>. And an agreement upon a property settlement, in case a separation is granted, is not necessarily collusive<sup>42</sup>.

Collusion implies an action "in concert." There is no collusion, therefore, where one party takes advantage of the matrimonial offense by the other as a ground for separation, though the offense was committed by the other in the desire, and with the hope and expectation, that such advantage be taken of it. In other words, the fact that one party commits an offense, such as adultery, for the purpose of affording the other grounds for separation, does not bar the other's rights to separation, if the other did not act in concert to afford such ground<sup>43</sup>. Similarly, the

<sup>35</sup> SHEEHAN v. SHEEHAN, 77 N. J. Eq. 411; 140 AM ST. Rep. 566.

<sup>36</sup> SHEEHAN v. SHEEHAN, 77 N.J. Eq. 411; 140 AM ST. Rep. 568.

<sup>37</sup> A.L.R. 699; 109 A.L.R. 832.

<sup>38</sup> *American Jurisprudence, A Comprehensive Statement of American Case Law* (58 Vols., Rochester, New York; Lawyers Co-operative Publishing Co., 1936) I, 406 (hereafter cited as *Am Jur*).

<sup>39</sup> 17 *Am Jur* 187.

<sup>40</sup> BUTLER v. BUTLER, 15 Prob. Div. 13, 32, 66; JESSOP v. JESSOP, 2 Swab. & T. 301; STOKES v. ANDERSON, 118 IND 533; 21 N.E. 331; 4 A.L.R. 313.

<sup>41</sup> HUNT v. HUNT, 47 Law J. Prob. Div. & Adm. 22; BARNES v. BARNES, L.R.A. 1 Prob. & Div. 505.

<sup>42</sup> TODD v. TODD, L. R. 1 Prob. & Div. 121; CREWE v. CREWE, 3 Hagg. Ecc. 123.

<sup>43</sup> LLOYD v. LLOYD, 1 Swab & T. 567; HARRIS v. HARRIS, 4 Swab & T. 232; FRANK v. FRANK, 178 Ill. App. 557.

fact that both parties greatly desire a separation does not make the suit collusive<sup>44</sup>

From the very nature of collusion, it being a conspiracy between the litigants to secure the decree desired, it is a defense which will not be brought out by the parties themselves unless one of them repents and discloses it. Thus article 101 imposes upon the prosecuting attorney the duty to make inquiries whether or not a collusion between the parties exists. If the collusion is not at once evident, its existence may be disclosed in the course of the proceedings by some involuntary disclosure made by the parties through ignorance or accident upon careful questioning by the court<sup>45</sup>.

**Degree upon a Stipulation of Facts on Confession.**— No decree of legal separation shall be promulgated upon a stipulation of facts or by confession of judgment.

In case of non-appearance of the defendant, the court shall order the prosecuting attorney to inquire whether or not a collusion between parties exist. If there is no collusion, the prosecuting attorney shall intervene for the state in order to take care that the evidence for the plaintiff is not fabricated<sup>46</sup>.

Every action for legal separation requires a trial and the presentation of evidence in order that the court may determine whether there exists a ground for legal separation, as the article provided that no stipulation of facts or confession of judgment is acceptable. The plaintiff must prove the existence of the ground. Consequently, he must present evidence of the facts and in case of default by the defendant the prosecuting attorney must appear for the purpose of determining whether there is a collusion and if there is none, for the purpose of determining whether the evidence of the plaintiff is fabricated or not<sup>47</sup>.

Generally, the practice and procedure in other civil actions governs the hearing or trial of separation suits. However, by reason of the nature of the inquiry in such actions, the court may direct the issues to be private or in *camara*. Moreover, since the state has an interest in maintaining the marriage status and does not countenance the severance of

<sup>44</sup> GEIS v. GALLUS, 130 ORE 619; 278 P. 969; ENGLISH v. ENGLISH, 19 Pa. Super Ct. 586; VAYETTE v. MYERS, 303 ILL. 562; 136 N. E. 467.

<sup>45</sup> GEIS v. GALLUS, 130 ORE 619; 278 P. 969; JARRARD v. JARRARD, 116 WASH 70; 198 P. 741.

<sup>46</sup> SHAW v. GOULD, L.R. 3 H. L. 55; CREWE v. CREWE, 3 Hagg. Ecc. 123; UTTERTON v. TWESH, Ferg. Const. 23; KEBBLEWHITE v. ROWLAND, IND 226; WILMER v. WILMER, 21 N. E. 371; 130 N. W. 1015; Art. 101—N.C.C.

<sup>47</sup> MCCAULEY v. MCCAULEY, 88 N. J. Eq. 393; 103 A. 20.

has been held that it matters not whether plaintiff or defendant committed the first offense, nor whether one of the spouse is more guilty than the other. The Supreme Court in the case of *BENEDICTO vs. DE LA RAMA*, held that the action on the ground for adultery, where it is alleged and proved that the plaintiff has also been guilty of adultery under circumstances as would have entitled the defendant, if innocent, constitutes a bar to the plaintiff's action<sup>52</sup>. Adultery as a recriminatory charge is not sustained by a mere belief although justified by gravely suspicious circumstances; nor is a mere intention on complainant's part to form an adulterous connection sufficient to defeat his action<sup>53</sup>.

### LACK OF RESIDENCE

No person shall be entitled to a legal separation who has not resided in the Philippines for one year prior to the filing of petition, unless the cause for legal separation has taken place within the territory of this Republic.<sup>54</sup>

This article is jurisdictional so that if the cause of action took place outside of the Philippines, before the plaintiff can file the action for legal separation he should have resided in the Philippines for one year prior to the filing of the petition. It is to be noted that the time is to be counted previous to the filing and not previous to the trial of the case. However, if the cause of action took place in the Philippines then the requirement of one year period is not necessary and the action may be brought the day after the ground for legal separation took place. The reason for this provision is to prevent people from taking advantage of the law and precisely coming to the Philippines for the sole purpose of obtaining legal separation. This, however, is a good purpose if absolute divorce is allowed in the Philippines; but of doubtful need under the present law where the marriage tie is not dissolved.

### PRESCRIPTIVE PERIOD

An action for legal separation cannot be filed except within one year from and after the date on which the plaintiff became cognizant of the cause and within five years from and after the date when such cause occurred.<sup>55</sup>

*Date of filing.* The article above provides for the prescriptive period within which an action for legal separation may be filed. These periods of,

<sup>52</sup> *BENEDICTO vs. DE LA RAMA*, 3 Phil. 34, 35.

<sup>53</sup> *STEWART v. STEWART*, 68 FLA 326; 170 A.L.R. 1973.

<sup>54</sup> Art. 102—N.C.C.

<sup>55</sup> Art. 99—N.C.C.

within one year from and after the date on which the plaintiff became cognizant of the cause and within five years from and after the date when such cause occurred must concur. This action must be brought within five years period from occurrence, the action has already prescribed because the action was brought more than one year after the husband learned of the adultery. If the husband, however, brings the action in 1951 within six months after he learns of the adultery of the wife, again the action has prescribed because although he brought action within one year after knowledge, more than five years have elapsed since the adultery took place.<sup>56</sup> The Supreme Court held in a certain case, that it is the policy of the law to prevent rather than encourage the granting of separation, and where it appears that the husband had personal knowledge of the adultery of his wife in August, 1924, but he did not file his action until February 10, 1927, it was held that the action could not be maintained.<sup>57</sup>

*Limitation as to the date of trial.* An action for legal separation shall in no case be tried before six months have elapsed since the filing of petition.<sup>58</sup> The hearing of the action for legal separation must be held before the six-month period shall have elapsed, counted from the filing of petition, because the law intended to grant the spouses sufficient time for reconciliation.<sup>59</sup>

The attitude of the court towards legal separation is one of extreme reluctance, a grudging admission of a relief to an irremediable situation. So many obstacles are placed on the way to separation; so many doors remain open for the way back to reconciliation. The attitude is based on the fundamental concept that marriage is not "a mere contract but an inviolable social institution. Its nature, consequences and incidents are governed by law and not subject to stipulation."<sup>60</sup>

REV. E. STA. RITA, JR.

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<sup>56</sup> CAGUIAOA, *op. cit.*, p. 91; PADILLA, *op. cit.*, I, 255.

<sup>57</sup> PADILLA, *op. cit.*, I, 257.

<sup>58</sup> Art. 103—N.C.C.

<sup>59</sup> JUAREZ vs. TURON, 51 Phil. 236.

<sup>60</sup> Art. 52—N.C.C.

# *Report From the Ecumenical Council*\*

## I. THE LITURGY

In order that the liturgy may bear fruit it is necessary not only that in liturgical acts the laws for their valid and licit celebration be observed but also that the faithful should participate in it intelligently and actively.

**Participation of the faithful.**—The central argument of the speeches of the Fathers, besides that of the language to be used in the liturgy, had to do with the problem of making it easier for the faithful to participate actively in the liturgy. The problem applies especially to mission territories, where it is felt with greater urgency and presents greater difficulties. It is not easy to choose from among the traditions and customs of the individual peoples the more significant elements which can be introduced usefully and opportunely in liturgical worship. A profound ethnological, missiological and liturgical understanding united with a delicate sense of balance and prudence is required.

It was noted in the speeches of the Fathers that the didactic and pastoral nature of the liturgy generally requires that the structure of the rites be simple, brief, easily and immediately understood, possibly also as regards the language used. The communal and hierarchical nature of the liturgy makes it moreover advisable that, whenever the rite permits, its celebration be public and in common rather than individual and private. In order to promote the active participation of the faithful it seems timely to give a considerable part of the liturgical action to the participation of the community (words, chants and movements).

The Fathers who spoke emphasized that the natural center of the liturgical life is the diocese and the parish. It is therefore ob-

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\* Excerpts of the official reports released by the Vatican Press Office.



viously necessary to take care with special diligence in all the functions which take place in the cathedral with the participation of the Bishop and in the parishes where the priest acts in his stead.

With unanimous insistence the necessity of promoting and increasing an active participation of the faithful in the liturgical life has been affirmed. In this respect certain proposals were presented: for example, the formation of truly qualified teachers to instruct in the historical, theological, spiritual, pastoral and juridic elements of the liturgy in seminaries and in theological faculties; the introduction of the science of the liturgy among the basic studies; the creation of national and diocesan liturgical commissions and of institutes of pastoral liturgy which may eventually avail themselves of competent lay experts, especially in the fields of sacred music and art. Differences of opinion were expressed, however, regarding the language, the methods and means to be used in adapting the liturgical rites to present times and mentalities, to the customs and traditions of different nations.

**Liturgical language.**—Another point on which the Fathers spoke was that of the language which should be used in the liturgy. There are reasons which militate in favor of latin, inasmuch as its adoption has not only traditional values but it also has a true unifying effect. Furthermore, because of its concrete phraseology of legal terms, it is particularly suited for theology and dogma.

It also has considerable psychological and ascetical values since it tends to make one speak in a logical and rational manner and prevents abandonment to sentimentalities and romantic evasions. It tends to give its user discipline of expression and of life.

On the other hand there are important reasons which recommend the use of the vernacular in Liturgical functions. The first and most important of these is the vernacular's capacity to make the liturgical rites accessible to the community of the faithful and favor, therefore, their active participation in the liturgy.

The use of the vernacular reveals, moreover, the universality of Christendom, capable even in its unchangeability, of assuming the values and traditions of the individual peoples, of all latitudes and all times, of the present and of the future.

**Possible changes.**—All have stressed that the liturgy continues in time the work of redemption, preannounced by God in the Old Testament and fulfilled by Christ in the New Testament. They have

emphasized the divine and human nature, invisible and visible, of the liturgy. They have placed in evidence the double content of the liturgy, which consists of the elements of divine institution, which are therefore unchangeable and the elements of human institution, which are changeable inasmuch as they are intended to make the mysteries and the graces communicated through the various liturgical rites more intelligible and more accessible to the faithful of a determined epoch and culture.

One part, though admitting the timeliness of certain changes, was however in favor of preserving the liturgical traditions of the Church. The other insisted to a greater extent on a development of liturgical worship. While preserving the substantial unity of the liturgy, these argued, it would be suitable to pass over certain elements which are now too distant in time and which have become difficult to understand, and to accept variations and adaptations more in accord with the different categories of faithful, different regions, different peoples especially in the territories which have recently been evangelized.

In the revision and renewal of the liturgy which is desired by many Fathers, the need has been underlined of proceeding with caution in order to honor holy and venerable traditions.

## II. THE HOLY MASS

The second chapter of the project on the liturgy treats of the Holy Eucharist. The opinion was expressed generally that the scriptures, it was suggested, could be divided over a certain number of years to enable the faithful to share their treasures and in order to give the priest a broader source for his sermons from which to draw a lively and profound catechesis.

**The homily.**—The Fathers also spoke of the homily of the Mass which, it was said, should be a part of the liturgy itself, as a complement to it, so that the Mass might be better understood and lived by the faithful. This should be a brief but substantial homily, it was suggested, introduced in the common and understandable prayers.

It is necessary to emphasize the first part of the Mass, it was added—the didactic part, or the Mass of the Catechumens—in all its primitive value and to unite it closely with the second part, the sacrifice proper. The faithful must assist at both parts knowing that each in its own way is equally important. Insistence was also

made on the necessity of educating the faithful better on the observance of holy days of obligation.

**Participation in the Mass.**—The wish has been repeatedly expressed by the Fathers of facilitating the participation of the faithful in the Sacrifice of the Mass and of teaching them an awareness of a priesthood common to all the faithful by reason of baptism and confirmation. This is one of the characteristics not only of the speeches but also of the whole liturgical movement: that is that the Mass be understood as a sacrificial feast and as a convivial sacrifice with God and one's brothers through Christ and his priests. Hence the insistence upon the fact that communion should be considered not as an isolated act of the Mass but as a more integral participation of the communicant in the sacrifice of Christ.

**Dialogue Mass.**—In regard to the dialogue Mass, while stressing the timeliness of promoting it more widely, it was noted that the faithful should not be deprived of those moments of recollection which favor personal piety.

**Possible changes.**—Some of the speakers treated the Sacrifice of the Mass in general and others suggested changes in one or the other parts of the Mass.

The need was again stressed of using caution in revising the words, gestures and prayers which have acquired great nobility in the passing of the centuries without losing anything of their original significance.

It is considered therefore that the order of the Mass be retained in its substance, while admitting partial changes for the purpose of making the active participation of the faithful in the individual rites easier.

The innovations, it was said, must take into account through a careful and deep study the origins of every prayer and ceremony, the historical evolutions which they have undergone, and the significance which they retain more or less today.

It was insisted that the canon of the Mass especially should remain intact because of its solemnity, and for literary, liturgical, historical and juridic reasons known to all. In this respect the words of the Council of Trent were recalled.

Other Fathers stressed the innovations which had already been made by the Popes and by the Congregation of Rites from the time of St. Pius X onward. They urged that one proceed along this road

with the wisdom and balance of the past, bearing in mind the changed conditions and demands of the times.

Innovations were suggested in the following matters reducing the prayers at the foot of the altar; concerning the homily and the participation of the faithful in the action and prayers of the offertory; for the insertion of the name of St. Joseph in the canon of the Mass together with that of the Virgin Mary; for greater cohesion between the two parts of the Mass; for the utility of reading the prayers and lessons of the first part of the Mass from the pulpit, and of reciting those of the second part of the Mass at the altar; and for terminating the Mass with the last blessing and the "Ite Missa est".

A two-fold preoccupation ran through all the speeches of the Fathers: first, to render the celebration of the Mass more solemn and as holy as possible; the second, to favor the understanding and participation of the faithful in the sacrifice of Christ through the action of the priest and their own voluntary oblation.

**Concelebration.**—Concelebration and communion under two species were also discussed. It was advised that the first be reserved to monasteries and to religious communities so that brotherly union and piety might be encouraged. Difficulties of a practical and hygienic order were cited in the matter of restoring the practice of administering communion under two species. However, reasons in favor of the practice were also indicated, but under the condition that the special cases in which it could be permitted be well specified.

### III. SACRAMENTS AND SACRAMENTALS

The third chapter of the project on the liturgy begins with a brief introduction and consists of eight articles subdivided into 21 points. It deals with the problems pertaining to the revision of the ritual books, to the preparation necessary for receiving the sacraments, to the various sacraments, to the sacramentals and to funeral ceremonies.

The introduction specifies the nature and the scope of the sacraments and sacramentals. The presentation is more from a liturgical and pastoral point of view than from a doctrinal approach. There are, in fact, already very precise definitions on the doctrine of the sacraments which have come down from the Council of Trent, and there is also the condemnation against modernism of 1907.

The project recalls canons 731 and 733 of the Code of Canon Law in which it is stated: "Since the Sacraments of the new law are the principal means of sanctity and salvation, they must be administered and received with great devotion and respect, according to the ceremonial prescribed by the liturgical books".

The Fathers expressed certain proposals in their speeches with the intention of placing the importance of the sacraments in evidence and of bringing out their intelligibility and their significance for the faithful. As was done for the Mass, so also for the sacraments, the necessity of proceeding with caution in the revision of the rites and ceremonies was stressed, since their only purpose is to make the reception by the faithful more fruitful.

**Matrimony.**—It was said in regard to matrimony in particular that the rites should be well fixed for a more conscious and devout celebration of the sacrament by the two ministers, who are the spouses themselves. This is a sacrament about which it is easy to create an aura of superficiality and even of worldliness, which greatly dims its sacred character, and its human as well as divine importance, as well as its importance for the individual and society.

**Baptism.**—Proposals were put forward for simplifying certain ceremonies in the sacrament of Baptism which are awkward to perform. A similar wish for simplification was expressed also for the rites of other sacraments.

One speaker suggested that it would seem useful to insert the renewal of the baptismal promises into the rite of Confirmation of those who have reached the age of reason, so that there would be a greater awareness of the obligations which the sacrament imposes on those confirmed. Reference was made also to the godparents who often do not have sufficient knowledge of their responsibilities.

**Extreme Unction.**—The sacrament of Extreme Unction was discussed at length. It was suggested above all that the name of the sacrament itself should be changed, for it is associated with the imminence of death by too many people. It was urged that they be instructed in the fact that the sacrament of Extreme Unction is not a sacrament of fear but one of comfort, and that it is not only given for the purification of the soul but also for the healing of the body.

It was then noted that this sacrament often must be administered conditionally after the death of a person, either because the family of the dying person had not considered it sufficiently important, or because they did not want to alarm the sick person while he was

still conscious. It would be necessary therefore, in order to dispel false concepts, to allow the "anointing of the sick"—as the sacrament should be called—to be given also in less serious cases than those provided for today, as before serious surgical operations, and that it could be repeated during the same illness. Moreover, it could be administered more easily by confining the anointing to the forehead and to the hands.

**The sacramentals.**—Among the sacramentals, special stress was given to the funeral rites of the dead, the prayers of which are of great and deep beauty. It is necessary, it was said, to make them better known to the faithful, many of whom find in the funeral an occasion of more intimate encounter with the Church its prayers and its rites.

#### IV. THE DIVINE OFFICE

The Fathers' speeches especially stressed, and one might say repeatedly praised, the importance of the Divine Office in the spiritual life of the priest, both those having the care of souls and those who have consecrated themselves to the contemplative life.

Expressions such as the following were repeated frequently: the praise of God through the breviary is the principal priestly work and the Divine Office can be considered a source of grace for the whole Church of God; it is a means for personal sanctification and for pastoral action; it is a bond of union between all the priests of the world; it is an inexhaustible source of comfort—as has been proven by recent events—particularly for priests who suffer persecution in jail or in concentration camps; it is a nourishment for the soul, a support for young priests in their difficulties and worries, a comfort for aged priests in their weariness and sicknesses; it is a mine of scriptural and patristic treasures which can be used daily for enriching the mind and the spirit of the priests; a constant and efficient cause for a more holy life, for a more fruitful apostolic work, and for a more generous and supernatural activity.

The Fathers expressed separate opinions on the special questions of the Divine Office. These were, for example, the language used, the composition of the various parts of the breviary, the time-division of its recitation during the day; the choice of new texts drawn from the Scriptures and from the Fathers; the subsequent revision of certain lessons concerning the lives of the saints; the method of reciting the breviary in choir and in private.

**Proposed changes.**—Many Fathers requested that the present breviary be kept as it is, since it is the result of reforms which have been made in the course of several centuries. Note was made of the wisdom of more recent revisions issued by Pope John XXIII in 1960 for making the recitation of the Divine Office easier. It was also stated that latin seems more suited for the official prayer of the universal Church.

Requests were made by several Fathers to reduce the breviary so that priests might dedicate themselves more to the work of the apostolate. It was emphasized in this context, however, that every activity in pastoral life, however generous it may be, is made sterile when not nourished by the priest's prayer; that the highest and most efficacious prayer of the priest is that which he makes in the name of the whole Church and in union with all his fellow priests through the recitation of the breviary.

It was stated by some that the breviary should be more adapted to the demands of the times, and therefore to the conditions of the priests of the times, both regarding the language of its various parts, as well as the length of certain hours. It was suggested that, as regards the composition of the breviary, more space be given to the texts of the New Testament while leaving aside certain psalms of an historic character which treat of special circumstances of the hebrew people.

The purpose of the reforms which have been made in recent years, it was said, have given special attention to the rubrics of the Divine Office and have not taken its composition sufficiently into account.

It was noted, however, that the Council should outline the universal principles and the general directives of a permanent nature for the whole Church and leave the solution of special cases and of individual rubrics of the competent ecclesiastical bodies, respecting always the breviaries, also in the Latin Church, of different rites.

There were added to those things which were said on the importance of the breviary various statements which stressed the inopportuneness of reducing the time which priests must dedicate to its recitation, in spite of the constantly increasing occupations of the pastoral ministry. It was again emphasized that prayer, and the liturgical prayer of the Divine Office in particular, is the principal means of sanctification after the Mass and the Sacraments. No priest can do without it unless he run the serious risk of a spiritual aridity which would prove harmful not only for himself but also for his people.

It was observed that a reduction by 15 or 20 minutes a day of the official prayer of the priest would not solve his many pastoral

problems, while his spirit would certainly be impoverished. His daily colloquy with God through the breviary is a source, not only of light but also of strength and above all of grace.

It was suggested, however, that should there be special circumstances which might justify dispensing a priest from a part of the breviary, these circumstances would have to be clearly specified and also be recognized by the Bishop in order that abuses be avoided.

**Revisions of Psalter.**—Several other speeches referred to the possible revision of certain parts of the breviary, as for example a new translation of the psalms, with fidelity to the spirit of the original text and at the same time seeking a latin which would be more easily understood even though not classical. The work of revising the psalter which was begun in recent years should be continued and brought to a successful conclusion, it was said, with respect for the spirit of the latin as well as of the liturgical uses and traditions of the whole Church.

The choice of the scriptural texts it was repeated, should be taken from the New Testament whenever possible and should take into account the formative, ascetical and pastoral content, leaving aside those texts which, referring to the historical situations of the people of Israel or to the psychological conditions of the ancient law, are less understandable to the Christian mentality and must therefore be considered less fruitful to the souls of our time.

Several Fathers asked for a restriction of the use of latin in the breviary. They specified, however, that it is not a question of a faculty which should be made general, but of a concession in special cases and never for recitation of the breviary in choir.

*Selected and arranged by*

**Fr. F. Testera, O.P.**



## PASTORAL SECTION

### HOMILETICS

#### FIFTH SUNDAY AFTER EPIPHANY (Feb. 3)

##### *IS THERE DIVINE PROVIDENCE?:*

Today's Gospel is at once an answer and an interrogation.

It is an answer for those men, including many of our Christians, who raise a quizzical eyebrow over the procedure of God's providence. If God is so good, why does He permit so much evil to happen in this world—this is the eternal question that even good men ask themselves often with a note of disappointment. Would not this world fare much better if evil men were then and there taken away and cast into hell? As the servants of the householder in today's Gospel, these good people are ready to treat evil men off-handedly whatever the consequences. So it is with us, impatient men, with whom the time-element counts so much, our earthly existence being limited. But not so with God who is eternal. God can wait; He can afford to be patient.

##### *THE ANSWER:*

He accordingly gives us in today's parable an explanation why there is evil in this world, and why He permits evil to happen. With this parable God somewhat draws aside the curtains of the mystery of His providence. And there unfolds before our eyes a magnificent panoramic view of this world of men. God created this big world, and placed good things in it. But God's enemy, ever so envious and ever so spiteful, tried to spoil God's work, and in part he succeeded in his devilish plans. As there are children of God, so there are now also children of the devil; as there are sons of light, so there are now also sons of darkness.

God could with one breath of His anger sweep away Satan and his children into eternal fire, and thus prevent them from molesting His good children anymore. But He does not do it, no...not now. Later,

yes. And certainly He'll do it. Meanwhile He wishes to give them a chance to reform their lives. When the time of grace is up, then there will be no more consideration, but He will send His angels to gather all evil men from His kingdom, and cast them into the blazing furnace of hell.

### *THE GOOD SEED OR THE BAD SEED?:*

Today's Gospel is also an interrogation. It induces us individually to ask ourselves the question: Are we the good seed in the field of God, destined to be gathered into His barn? or are we not the useless weed fit only to be thrown into the furnace? Most of us will hesitate to give a categorical reply: we are not good seed only, nor are we useless weed alone; we are a combination of both, each of us is a field where the good seed grows side by side with the useless weed.

We carry the name of Christians (that's the good seed in us); but we think and behave like little pagans (that's the useless weed in us). We profess to follow Christ, Who taught that humility is the only road to heaven; but we take the avenue of self-glorification along which we let our pride, our selfish ego, our inordinate ambitions ride without inhibition. We claim to adore the spotless Lamb of God, born of a Virgin, friend and spouse of the virgins; but we are soiled with the ugly spots of lust, of impurity, of immodesty. We allege to be children all of one heavenly Father; but we treat each other like irreconcilable enemies and contending armies that employ the deadly weapons of slander, backbiting, calumny, anger, revenge and hatred.

Verily we are a field where God has sown the good seed, but where also the devil has disseminated useless weed. A good farmer does not allow the weed to grow unmolested in his field, otherwise the weed will invade everything and suffocate his good seed. A good Christian won't allow his evil inclinations to grow unmolested, otherwise they will strangle his virtues, and convert his soul into a field of useless weed fit only for eternal shame and punishment. A good Christian cleans his soul of bad weed, and cultivates only the good seed of virtue; of such Jesus will tell His angels at harvest time: "Gather the good wheat into my barn. There I will give them to share with me the joys of eternal life."

### SEPTUAGESIMA SUNDAY (Feb. 10)

#### *THE MYSTERY OF REDEMPTION:*

This Sunday inaugurates the Septuagesima season, that part of the liturgical year which calls for a period of recollection and of meditation on the great mysteries of our Faith, such as the mystery of redemption

of the human race by our Saviour Jesus Christ, accomplished through His painful sufferings and death on the cross. Although Christ shed His blood for all men without exception, yet in order that each individual may profit by His redeeming death there needs exist a union between Jesus and the soul through a pure faith, a firm hope, a perfect love, and also a sincere contrition if it had committed sin.

Just as a thirsty man needs to draw near a fountain in order to quench his thirst, so also anyone wishing to be delivered from his sins and obtain the reward of eternal happiness should draw near his Saviour and become one with Him through faith, hope and charity. For just as a fountain of water, no matter how abundantly it flows, is of no use to a thirsty man who refuses to draw near it, so also the blood of Jesus will be of no use to a man who remains obstinate in his sin.

#### *PERIOD OF MEDITATION:*

In order to avert such misfortune from happening to her children, Holy Mother Church wishes to prepare us in an appropriate manner for the mysteries of our Christian Faith by having the parable of the vineyard read to us in today's Mass.

Few ways there are to effectively incite us into believing, hoping and loving God as He deserves. One of them is to represent Him to us under the form of that kind father of the family as Jesus actually represented Him in today's parable.

#### *GOD, THE LORD OF THE VINEYARD:*

For who is the man whose heart will not beat faster after knowing how persistently, how patiently the Lord calls him at every stage of his life. In his childhood, in his adolescence, when in the prime of youth, and at the age when his strength is ebbing away and the body bowed with the weight of years — he is unceasingly called by God to return to Him.

Who is the man whose heart will not throb more quickly after knowing the benevolence of the Lord Who is ready and willing to give the kingdom of heaven even to those souls who spent the greater part of their life in sin — they are the laborers of the eleventh hour — provided they are also willing to repent of their sins and to change their lives.

Today's parable clearly shows to us the goodness of our Lord, Who, although we insist on treading the tortuous path of sin and perdition, nevertheless wishes us to belong to the number of those few He has chosen for His kingdom.

## SEXAGESIMA SUNDAY (Feb. 17)

*WHERE DO WE FIT IN THE PICTURE:*

There is not much to explain in today's Gospel; the Lord has taken upon Himself to explain that to you. All we have to do is to make a soul-searching examination of ourselves to find out where in God's estimation and ours do we fit into the picture as presented in today's Gospel. Are we the wayside, or are we the rock? Are we the thorny ground, or are we the good field? These are questions, which we can answer correction only after a candid check-up of ourselves, with the hand placed over the heart.

But to facilitate the matter, I suggest we find out the number and the kind of fruits we are producing. We don't produce any? Or we produce very little, and not always of the good kind? Then perhaps we are a thorny ground; or maybe a rocky field; or even worse, just a wayside!

*THE SEED, THE SOWER, AND THE FIELD:*

"The sower went out to sow his seed." In Christ's interpretation, the seed is the word of God; the sower must then be God Himself. If God takes a personal interest in sowing, then the seed must be something very important. Yes, dear brethren, the seed is a very important thing; it is what gives life, beauty, color, and joy to earth. We in the Philippines, are accustomed to see a land blest by God with beautiful greenery. Imagine a land that has not even a poor seed to fecundate it, a desert for example; how appalling, how tedious, how dreary it is! Yet this is but a faint shadow of what really a soul looks like where the word of God has not been planted, or if planted, was not given the chance to develop.

There is not a soul but God plants in it the good seed of salutary admonitions, advices, inspirations, commands and so forth, whether He does it directly by Himself, or by means of His priests, good examples, and good reading material. And God plants His seeds liberally. In season and out of season, countless times during the span of one's life, God scatters His seeds bounteously, with no after-thought or regret.

*THE YIELD:*

We should expect a magnificent flowering of virtues among men, and especially among Christians. We should witness a prodigious sight of trees whose branches are laden with fruits of good works. But what do we

see: plants without flowers; trees without fruits; and in some cases, no plants or trees at all.

The reason is because in some of us, the seed of God has fallen as if by the wayside. They heard God's word; they are Christians, so they say; but they didn't do anything about their faith. What wonder then that the devil should come and take away the word from their hearts, lest they should be converted and be saved.

Again in some of us, the seed of God has fallen as if on rock. They receive, assuredly, the word of God, and that with expressions of joy also. But the welcome they give to it is only superficial. The farthest that God's word could go was into their ears, but could not descend down to their hearts. Result: they have no root; they believe for awhile; but when temptation comes, they easily fall away.

Again in some of us, the seed of God has fallen as if among thorns. They have not diligently cleaned their souls of evil tendencies and attachment to riches and pleasures. They are either unwilling to uproot these things which they have learned to like, or find it troublesome to do so. Result: the good seed and the bad weed grew up together; but the latter faster than the former which it finally choked preventing its fruit to ripen.

But surely God's work cannot all end up in failure. Not all Christians disappoint the good Lord. Many of them appreciate what Jesus is doing for them. They are the good ground upon which the seed of God has fallen, sprung up and yielded fruit a hundred fold. Let us pray and hope we also belong to their group.

## QUINQUAGESIMA SUNDAY (Feb. 24)

### *DETERMINED TO SUFFER:*

Already on three or four different occasions Jesus had revealed to His Apostles the events that were going to happen to Him in Jerusalem. The sufferings, the pains, the death that awaited Him at the Holy City were not hidden from His knowledge. He therefore could have avoided them. All that He had to do was not to go up to Jerusalem. But if He were to do this, how would mankind be redeemed? For this reason, He continued His way to Jerusalem, inspite of what He knew was going to happen to Him there.

"Behold," said He, "we are going up to Jerusalem, and all things that have been written by the prophets concerning the Son of Man will

be accomplished." There the Messiah will be delivered up to the Gentile, there He will be flogged and mocked and spat upon, there He will finally be killed. However, the Apostles did not understand a bit of what Jesus said to them. They did not get the meaning of the events that Jesus was foretelling them. In their mind, those things were not proper for the Messiah, for the Son of God. The Apostles were incapable of seeing as the blind man of Jerico in today's Gospel.

#### *A FALTERING FAITH:*

How many, among us, are getting to have a blurred vision, a waning faith and a poor understanding of the providence of God at the bottom of all bitter occurrences of their lives. Here are some of their various complaints. Says one, "I am sincere in serving the Lord. I abhor injustice and avarice that I see perpetrated by other men. But look and judge for yourselves! That evil man is prosperous and stable in his state, while I am suffering from want, and can scarcely find something to feed my family with. In view of this, what good is there in pursuing virtue?"

Says another, "I am careful in keeping the commandments of God. I do not forget to say my prayers, on the contrary I even multiply them. Yet what is the fruit of all this striving? Upon my family sorrow, pain and suffering have been piling up one after another. I was laid off from work, my wife is confined on bed because of a malady, my most loving child has been snatched from this life. Only death perhaps will put an end to this luckless existence!"

#### *RESURRECTION THROUGH SUFFERING:*

If the life we have just described reflects your own lives, beloved brethren, on account of which discontent and complaint arise from your hearts while you don't attempt to check and reject them, then you are revealing that you don't understand the Lord Who wants to speak to you concerning these things. Instead of complaining about and resisting the ordinance of God, get near to Jesus, and as the blind man of Jerico ask Him to let you see, to let you understand that sorrow, pain and suffering lead to happiness. For just as Jesus won His battle and entered into His glory by way of suffering, so also each Christian will be rewarded with happiness after he patiently endures sorrow and pain. He, the Christian, will be "scourged, mocked and spat upon." He may even be "killed." But on the "third" day, on the day of general reckoning, he will rise up to a glorious life once again.

FR. MARIO BALTAZAR, O.P.

## CASES AND QUERIES

### MORE ON RUBRICS AND LITURGY

*On pp. 778-780 of the section "Cases and Queries" in the December 1962 issue of the Boletín Eclesiástico, under the title "Sobre Rúbricas y Liturgia", there is a set of responses by Fr. V. Vicente, O.P., wherein he declares several practices as against the rubrics. We can not agree with this opinion as the discussion of the following topics will show.*

\* \* \*

*a. The Boletín says that the pauses between the "Oremus" and the Collect and between the "Oremus" and the Postcommunion, as also the pauses between the "Amen" and the Preface and between the "Amen" and the "Pater Noster" are not in the rubrics; such pauses are said not to be based on a valid reason.*

Answer: The rubrics are silent about these pauses; yet they are explicitly recommended in many Pastoral Directives. In view of this, it is untenable to hold that the reason is not "real and convincing." See, *e.g.*, the Directives of Canada,<sup>1</sup> Rottenburg, Flemish dioceses of Belgium, to name only a few. The reason for these pauses lies, in the first two instances (after "Oremus") in the nature of the Collect and the Postcommunion: these prayers are a sort of "summing up" of the prayers of the faithful. The pauses at the end of the Offertory and the Canon set off the main parts of the Sacrifice. It is rather strange to assert that it is not realistic and convincing that here a new part begins. The first Amen closes the Offertory, the second the Canon, as everyone knows.

It follows... that the directives agree that should not be considered as interruptions all that is part of

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<sup>1</sup> La Messe. Directoire pastoral. Fides, Montreal, #137.

the celebration or stresses its value, like: a discreet commentary, a pause for prayer, offertory procession, homily, etc.<sup>2</sup>

And Fr. A. G. Martimort, co-director with A. M. Roguet, O.P., of the famous Center of Pastoral Liturgy of Paris, writes:

We wish to call attention to the interesting tendency to provide pauses in the rhythm of the celebration. Some of them have as their purpose to separate better the different parts of the Mass, for example, after the *Per omnia saecula saeculorum* of the Secret and especially after the one at the end of the Canon; . . . finally, pauses should be provided which are to be true moments of silent prayer, and that especially between the intervention of the commentator and the priestly prayer which it announces.<sup>3</sup>

*b. The Boletín says to be against the rubrics the practice that the priest, after having said Dominus vobiscum, remains turned toward the people while they respond Et cum spiritu tuo.*

Answer: Again, some of the Directives prescribe it, e.g., the strongest to insist on it is the text of Rottenburg.<sup>4</sup>

The pastoral reason for doing this is to give a real meaning to this greeting. When a person greets someone else, he is turned toward him and even if he has only a fleeting moment to greet, he remains turned towards the other person; that is an elementary rule of politeness. When the priest greets the faithful, he should observe the same politeness in the Lord. To say that the text, duly quoted, forbids this is to read a meaning into it that is not there.

*c. The Boletín says that if the priest does not pray the Gloria and Credo at the altar when he sings it with the people, he is not acting in conformity with the rubrics.*

Answer: However, there are again the various Directives allowing it, like the Belgian Flemish dioceses, Canada. Some Directives require the priest to stay at the altar when he sings

<sup>2</sup> Dom Thierry Maertens, "La célébration de la messe à la lumière des directoires récents," *Paroisse et Liturgie*, 39/3-57, p. 172.

<sup>3</sup> P. 187 in A.G. Martimort, "Les directoires de la messe," *La Maison-Dieu*, No. 69, 1962, pp. 184-187. See also, Frederick R. McManus, *Handbook for the New Rubrics*, Geoffrey Chapman, London, 1961, p. 118.

<sup>4</sup> *Weisungen zur Gestaltung des pfarrlichen Gottesdienstes*, 1960, pp. 12, 21, 29, 33.



with the people, like Canada, others allow him to sit, others don't say anything about the priest's place.

An added proof that this practice is permitted is this. In some dioceses, the Episcopal Directives prescribed three such occasions, also for the *Sanctus*. Rome, knowing about this, forbade to do it at the *Sanctus* but said nothing about the *Gloria* and *Credo*.<sup>5</sup>

The pastoral reason for this practice is that the priest has to wait anyway for the end of these songs; why shouldn't he join the people, rather than mumble with many distractions a prayer that the people sing all together? Otherwise he seems to do one thing and the people another. And "qui cantat, bis orat."

Incidentally, pastoral liturgists, and also several diocesan statutes, strongly disapprove of the practice of the celebrating priest to direct the choir during his own Mass, a practice which Fr. Vicente considers justified. Several liturgists consider it incompatible with the function of the celebrant.<sup>6</sup>

*d. To make the people stand whenever they sing, even when the priest is allowed to, like at the Gloria and Credo, is not disapproved of by the Boletín, but at least it casts a doubt on it by questioning it. The impression is that he merely tolerates it.*<sup>7</sup>

Answer: All Episcopal Pastoral Directives prescribe a standing posture for singing.

The pastoral reason is that standing is the normal posture of joy and praise of God.

*e. The Boletín says that the ringing of the bell when the priest enters is permitted where it is the custom, as in Italy. He seems to doubt that it is permitted here.*<sup>8</sup>

Answer: Not only is it the custom in Italy, but also in most

<sup>5</sup> Response of the Sacred Congregation of Rites, May 25, 1960. See also Frederick R. McManus in a response on pp. 193-195 of *Worship*, XXXV 3, February 1961.

<sup>6</sup> A. M. Roguet, O.P., "Le Commentateur," *La Maison-Dieu*, No. 60, 1959, pp. 94-98; see also the article in *The Sower*, Vol. II, No. 3, September 1960, pp. 159-170.

<sup>7</sup> This is a clear misinterpretation of the text. The *Boletín* does not doubt, nor it questions or merely tolerates this practice. The text is self-evident to warrant any further explanation. *The Editor*.

<sup>8</sup> The *Boletín* says exactly what Fr. Marivoet tries to defend. Again the disagreement arises from a clear misinterpretation of the text. *The Editor*.

parts of France, Belgium, Germany, the United States; it is also customary here in the Philippines, and in any case in the Archdiocese of Manila.

*f. The Boletín says that not ringing the altar bell at side altars when there is a Mass at the main altar is forbidden.*

Answer: The reason given by the *Boletín* is that this case is not included in the three exceptions mentioned on p. 610 of the *Boletín Eclesiástico* of 1959. However, nothing concerning this matter can be found on page 610 of the *Boletín* of 1959.<sup>9</sup> When Father Vicente mentions the instances wherein the bell is to be rung, he himself is not exhaustive; he mentions only the Sanctus and the Elevation, but fails to include two other instances, a little before the Consecration as a signal to the faithful,<sup>10</sup> and another signal before the Communion of the faithful,<sup>11</sup> as now required according to the new *Ritus servandus*.

However, Fr. J. O'Connel<sup>12</sup> and the authors of *Matters Liturgical*<sup>13</sup> think that this case is explicitly provided for according to regulations, as this falls under the case that at a Low Mass there should be no ringing of bells in a Church or oratory during a public function. Even the enumeration given, it is argued, is not exhaustive but by way of example, because the text uses "such as."

Moreover, pastoral liturgy places this case on an equal footing with No. 512 of the New Code of Rubrics of 1960, which says that a priest celebrating at a side altar may not raise his voice so as to disturb others then celebrating in the same Church.<sup>14</sup> If the raised voice of the priest celebrating at a side altar is disturbing, the ringing of the bells causes a greater disturbance.

*g. Finally, the Boletín says that to omit the Prayers after Low Mass in case a considerable portion of the faithful, even though a minority, receive H. Communion is explicitly against the rubrics because of the Decree of the S.C. of Rites of March 9, 1960.*

<sup>9</sup> This is a typographical error. The quotation should read p. 690 instead of 610. The Editor

<sup>10</sup> *Ritus servandus in celebratione Missae*, section VIII, par. 6.

<sup>11</sup> *Ibid.*, section X, par. 6.

<sup>12</sup> In a response in the *Clergy Review*, Vol. XXXIX, No. 10, 1954, pp. 628-629.

<sup>13</sup> Wuest-Mullaney-Barry, *Matters Liturgical*, Pustet 1956, p. 269, letter f.

<sup>14</sup> *Rubricae Breviarum et Missalis Romani*, Rome 1960, p. 94, No. 512.

Canon Martimort of the Center of Pastoral Liturgy comments on this decree by saying that the Decree's list of "with some solemnity" is not exhaustive, and says so twice in the same article.<sup>15</sup> Father McManus is of the same opinion. But Fr. McManus says that the above practice is already permitted within the permissions stated by the Decree.

He defines the term "general communion," which is one of the occasions of "some solemnity" mentioned in the said decree, as follows: "One at which a considerable portion of the faithful or some group or body—even though a minority—receive holy Communion."<sup>16</sup> He argues further that the length of time used in distributing H. Communion is in this instance making the Mass overlong.

Juridically seen, therefore, there are valid arguments for omitting these prayers in the case mentioned.

Moreover, pastoral reasons add strength to this argument, namely, not to protract the Mass unduly on account of the many Communions.

Rev. C. J. MARIVOET, C.I.C.M.

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<sup>15</sup> A.G.M., "Prieres apres la messe-commentaire," *La Maison-Dieu*, No. 62, 1960, pp. 130-133.

<sup>16</sup> Frederick R. McManus, "Responses—The Leonine Prayers," *Worship* XXXIV: VIII, 1960, pp. 476-479; *Handbook for the New Rubrics*, pp. 146 and 132-135.

## FECUNDATIO ARTIFICIALIS

*Symphronius et Syncleta, coniuges catholici, prolis cupiditate flagrant, quam tamen nequent naturali modo obtinere. Casu audientes largam nunc habere diffusionem et felicem exitum fecundationem artificialem, nec fidentes tamen novitatibus, confessarium adeunt a quo postulant: Num fecundatio artificialis sit moraliter licita.*

Fecundatio (inseminatio, melius) artificialis alia est proprie et alia improprie dicta.

Proprie dicta supponit semen obtentum extra naturalem copulam seu non immissum immediate in feminae vaginam, verum alibi, unde postea syphunculo in vaginam vel uterum iniicitur. Haec seminis emissio locum habet: 1o. in copula onanistica — cum mas prae seminatione se retrahit et semen extra vaginam effundit — et in copula condomistica — cum mas effundit semen in condom — 2o. citra copulam, cum mas se voluntarie polluit aut involuntariam pollutionem patitur, 3o. cum semen e testiculis aspiratur mediante punctura.

Improprie dictam habemus fecundationem artificialem: quando copula est naturaliter peracta, qua perfecta semen in vaginam immissum colligitur syphunculo cuius ope immittitur profundius in vaginam vel in uterum.

Si agitur fecundatio artificialis proprie dicta, facile constat eius immoralitas quoties media procurandi semen sint intrinsece illicita, prout contingit in copula onanistica et in pollutione voluntaria: finis, quantumvis optimus, non iustificat media.

Nec dubium est de immoralitate fecundationes artificiales quando semen non est mariti sed alius hominis — donatoris, utputa, seminis —, haec enim fecundatio (heterologa) reducitur ad fornicationem aut adulterium, cuius malitia igitur malitiae superadditur quam procuratio seminis connotaret ex propriis.

Verum si semen sit mariti (in fecundatione homologa), obtentum per copulam condomisticam, per pollutionem involun-

tariam aut per testiculi puncturam, liceitatem fecundationis artificialis nonnulli docuere. Communius attamen praxis huiusmodi damnatur quotiescumque mariti semen obtentum sit aliter quam per copulam aptam de se generationi: ad hanc unam etenim coniuges habent ius; haec etiam una respondet humanae dignitati parentum atque prolis.

Quaestio igitur tota de fecunditate artificiali improprie dicta.

Quae quidem illicita prorsus pronuntianda ubi copula inter sit vel fornicaria vel adulterina — fecundatio ex semine non mariti.

Si autem copula coniugalis intellegatur — fecundatio ex semine mariti —, Auctores, magni etiam nominis, de huius moralitate non consentiunt. Quidam ipsam illicitam pronuntiant, quod per assumptionem seminis in syphunculum interrumpatur naturae cursus et semen, licet momentanee, subtrahatur fini suo naturali et ponatur in talibus adiunctis quibus hunc nequeat naturaliter attingere. Alii censent, e contra, hanc naturalis processus interruptionem atque diversionem esse dumtaxat materiales, cum moraliter nihil aliud sit quam naturalem processum rite inceptum ad complementum usque perducere.

Stante controversia inter theologos, confessarius ne prohibeat coniuges catholicos, prolem exoptantes nec naturali modo obtinentes, quominus hanc fecundationem artificialem improprie dictam tentent.

P. LUMBRERAS, O.P.

## STATE LAW

# RECENT DECISIONS

**BREACH OF PROMISE TO MARRY:**—*Breach of promise to marry is not actionable as such, neither can moral damages be awarded unless the recovery of damages is based on "quasi-delict, quasi-contract or abuse of right.*

BEATRIZ GALANG vs. HON. COURT OF APPEALS, MAXIMO QUINIT and RODRIGO QUINIT, G.R. No. L-17248, Jan. 29, 1962.

COMMENT: By ecclesiastical law the non-fulfillment of the promise to marry, though valid and based on sound reasons, does not accrue action to enforce the celebration of marriage. The offended party, however, is entitled to an action to recover damages, if any is due, (canon 1017, § 3). A claim for the recovery of such damages can be made either before the ecclesiastical or secular tribunal. Cfr. A.A.S., X, 345.

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**PROPERTY:**—*The mere fact of working in a land without expressing the concept in which the land is being worked is not proof of possession, much less of ownership.*

CONSORCIA ALANO et al. vs. CARMEN IGNACIO, et al., G.R., No. L-16434, Feb. 28, 1962.

COMMENT: In an action for recovery, the law provides that the property must be identified and the plaintiff must rely upon the strength of his title and not upon the weakness of defendant's claim. The fact that one worked on a piece of land for several years is not sufficient to warrant recovery of the land for unless the concept in which the land was worked is shown, neither a presumption of possession nor of ownership can be drawn for he may have been merely hired to till the property or his presence merely tolerated by the one having the right of ownership or possession.

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**LABOR:**—*An employee who enjoys, under a collective bargaining contract, leave of absence on account of illness with less than full pay, is entitled to sickness benefits under the Social Security Act, without need of exhausting first the leave of absence.*

GODOFREDO MOSUELA, GREGORIO C. MON and HONORIO L. PADILLA vs. PHILIPPINE LONG DISTANCE TELEPHONE COMPANY, G.R. No. L-16693-4-5, Jan. 30, 1962.

COMMENT: The Social Security Act took effect on June 18, 1954, and was enacted with this purpose in mind: "that the State must help its citizens to make provisions for emergencies beyond their control, such as unemployment, sickness requiring expensive medical treatment, and similar emergencies to a greater or lesser degree by means of social security legislation in a variety of forms."

## NEWS

### FOREIGN

**Catholics Make up 18.2% of World Population.** — Catholics throughout the world total some 558,221,000, about 18.2 per cent of the global population, according to the Catholic Students' Mission Crusade.

Although this figure is a numerical increase of nearly eight million over last year's Catholic one-tenth of one per cent.

The population figures are contained in the CSMC's 1962 World Mission Map, which shows the distribution of Catholics throughout the world.

According to the map, U.S. Catholics number 42,876,665 or 23 per cent of the nation's total population of 186,500,000. The U.S. ranks third among the nations of the world in total Catholic population.

Others figures contained in the CSMC tabulation include the following:

Brazil has the world's largest Catholic population with 64,171,400—93.4 per cent of the total. Other leading countries are Italy, 50,211,443 (99.5 per cent); the United States; France, 38,398,960 (82.6 per cent); Mexico, 33,984,000 (94.4 per cent); Spain, 30,293,000 (99.7

per cent); Poland, 29,266,854 (96.5 per cent); West Germany, 26,618,935 (47.8 per cent); and the Philippines, 21,639,181 (87.7 per cent).

Among geographical regions, Western and Southern Europe leads in the numbers of Catholics with 190,964,000. Other regions with large Catholic populations are South America, 132,448,000; Eastern Europe and the Soviet Union, 57,616,000; North America 51,112,000; Middle America, 45,421,000; Southeast Asia, 25,616,000; the West Indies, 15,248,000; and Central Africa, 11,286,000.

Greenland has the smallest Catholic population among the nations of the world—seven out of a total population of 31,000. Andorra, located between Spain and France, is the only country claiming 100 per cent Catholic population—6,000 out of 6,000.

Among countries listed as having Catholics in their populations, Nepal has the lowest percentage—.007 per cent or 700 out of a population total of 9,407,127.

Catholics in the Soviet Union are said to number 10 million—4.7 per cent of a total population of 215 million.

On the basis of percentage, the leading geographical regions from the standpoint of Catholic population are Middle America, 94 per cent; West Indies, 74 per cent; western and southern Europe, 57.7 per cent; and East Africa, 29.9 per cent. The percentage of Catholics in North America is given as 24.9 per cent.

Canada has a Catholic population of 8,230,000, 44.2 per cent of the total population of 18,620,000.

**Commission Members — Countries.**—260 of the approximately 2,500 Council Fathers are now serving on one or other of the ten Council Commissions responsible for organizing and amending Council proposals for submission to the Fathers.

Each commission has 16 elected members and ten members, including presidents, appointed by His Holiness Pope John XXIII.

The commission-members are divided according to continents as follows: Europe 143; Asia 36; Latin America 34; non-Latin America 32; Africa 12; Australia 3.

Italy has 51 commission members: 19 elected and 32 appointed. The U.S.A. has 21: 18 elected, 3 appointed; France has 20: 15 elected, 5 appointed.

Spain has 20: 10 elected, and 10 appointed. Germany has 12: 11 elected, one appointed. Canada has 11 members: 9 elected, two appointed.

Brazil and India have eight mem-

bers each, Poland has six, Belgium has five.

The following ten countries have four members each: Argentina, Australia, Chile, Great Britain, Japan, Lebanon, Mexico, The Netherlands, Syria, and Yugoslavia.

The following six nations have three members each: Australia, China, the Congo, Ireland, Portugal, and Switzerland.

The following seven countries have two members each: Bolivia, Colombia, Indonesia, Paraguay, the Philippines, Tanganyika, and Vietnam.

Twenty-five nations have each a single representative: Burma, Cameroun, Ceylon, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Ethiopia, Greece, Guatemala, Iraq, Ivory Coast, Jordan, Luxemburg, Malagasy Republic, Malaya, Pakistan, Panama, Peru, Republic of South Africa, Thailand, Tunisia, United Arab Republic (Egypt), Uruguay, and Venezuela.

**Religion in USSR.**—Pravda, the chief paper of the Soviet Communist Party, recently issued a call for a new militant struggle to stamp out religion.

Moscow Radio immediately took up the refrain. It cited Pravda's complaint that "atheistic education is often carried out unsystematically... and without having an impact on the basic mass of believers."

The Pravda editorial said that during the 45 years of Communism, the minds, morals, way of life and



the entire spiritual image of the Soviet working people have undergone radical changes. But it lamented that "old things are tenacious" and do not disappear without struggle.

"There are still more than a few Soviet people in the thralls of religion," it said. "Prejudices of the past and superstition prevent them from developing fully their creative forces in work, public life and in the construction of Communism.

"The scope and content of scientific atheistic propaganda" is not yet in line with the demands of today and of the resolutions of the 22nd Communist Party congress, held in Moscow a year ago.

#### **Larger Seminary for Spanish Volunteers for Latin America.** —

The third national assembly of diocesan delegates of the Society for Spanish-American Priestly Cooperation has decided to expand the Spanish - American Theological Seminary to a capacity of 170 students.

Each priest ordained from the seminary serves a year in his own diocese in Spain before going to Latin America.

The society also plans to enlarge the Spanish-American Major College of the Pontifical University of Salamanca where 30 Latin American seminarians are studying this year.

The Bishops of Bolivia have asked the Bishops' Committee for teams of priests to take charge of minor seminaries in La Paz and

Santa Cruz and a major seminary in Cochabamba.

#### **African Priests Upped in 12 Years.**

—The number of African priests has more than doubled in the years from 1949 to 1961, according to statistics released by the Sacred Congregation for the Propagation of the Faith.

African priests in areas of Africa under the administration of the congregation increased from 1,080 in 1949 to 2,277 in 1961. The total number of priests in those areas increased almost 70 per cent, going from 7,500 in 1949 to 12,562 in 1961.

The figures include most of Africa. The northern part of Algeria comes under the administration of the Sacred Consistorial Congregation; the north of Ethiopia is under the Sacred Congregation for the Oriental Church.

#### **Generals of Larger Congregations Made Council Fathers.**—His Holiness Pope John XXIII has given

the status of Council Fathers to the generals of all congregations of men Religious with more than 1,000 professed members.

Canon Law grants this status only to the generals of religious orders with solemn vows. The Pope has made a special exception in favour of the Vincentian and the Palatine Fathers.

The Pope's ruling brings to the Council the heads of many of the Church's most active mission congregations. Redemptorists (9,030 members), Oblates of Mary Imma-

culate (7,500), Holy Cross Fathers (3,127), Salesians (21,048), and Divine Word Fathers (5,436).

**Columbian Archbishop gives Inheritance and Residence to Workers and Poor.**—A Colombian Archbishop, Archbishop Tulio Botero Salazar of Medellin has decided to give his inheritance and the use of his house for the benefit of workers and the poor.

His family inheritance is not so large as some think, he says, but he will give it all, "to the last cent, keeping none at all.

"It will all be used for workers and the poor."

The Archbishop has decided to rent a modest house to serve as a residence, making the archiepiscopal residence available as a training centre for labour leaders.

"The archiepiscopal residence," he has pointed out, "was built not

with my money, but with that of the archdiocese. As archbishop, I can grant the use of the building to the school for labour leaders, but not the ownership. It will continue to be the property of the archdiocese."

#### **Aid Earmarked to L-America.**

— The German charitable heart throbs for Latin America.

For the second time the charity of German Catholics in the spirit of Advent will be channeled to Latin American countries plagued by priest-shortage and poor economic conditions.

German Bishops have appealed to individuals, families and parish groups to "make a real and palpable sacrifice for Latin America."

In 1961 German dioceses collected 23 million marks for the Advent campaign.

## **LOCAL**

**Need of Religious Instruction.** — Senator Oscar Ledesma last week stressed the need to amend the Philippine Constitution in order to solve once and for all the controversy on the teaching of religion in public schools.

In a speech before the Knights of Columbus in Cotabato City, Ledesma said that although the New Civic Code authorizes the teaching of religion as part of the curriculum, "in actual practice religious

instruction in public schools today depends upon the discretion of division superintendents and school principals.

He cited a Department of Justice opinion which stated that the phrase "as part of the curriculum" cannot be taken to mean that religion will be part of the required course of study in public schools.

There seems to be a conflict in the interpretation of the Constitu-

tion on optional religious instruction, he said.

He added that since there is a move to amend the constitution, we must as well change it "to make religious instruction definitely a part of the curriculum."

#### **Press Campaign Against Vices.**

— Concerted action by all government, civic and religious organizations against all forms of vices in the whole province of Bulacan was urged here by responsible leaders over the weekend.

The appeal came in the wake of reports that local NP and LP members were claiming credit for the current drive regulating the operation of dancing halls along the Mac-Arthur highway.

There is much to be done to rid the province of breeding places of indecency. Any recrimination on the part of our officials will only defeat the good purpose of the campaign, declared Fr. Virgilio Soriano, Malolos diocesan chancellor.

At the same time, Fr. Soriano announced that an all-out campaign against all forms of vices will be launched by Catholic lay organizations in the Malolos Diocese early next year.

#### **Baguio Revives Saying of Angelus.**

— Mayor Luis Lardizabal has launched a city-wide campaign for the daily recitation of the "Angelus".

He said the observance of the Angelus can do much to revitalize the weakening moral fiber of the people in their religious duties to themselves, to their respective churches, and to God.

Lardizabal said he was prompted to revive this age-old Filipino tradition because of the "mounting moral decadence among present-day youth."

He called on Baguio parents to give the example of saying the Angelus. He has also ordered the sounding off of the Ice Plant siren at 6 p.m. for 20 seconds to announce the Angelus.

#### **Catholic Writers Discuss Problems.**

— Four literary luminaries expounded on the meaning and have come out with the conclusion that the Philippines has not produced any Catholic writers.

They are Nick Joaquin, N. V. M. Gonzales, Wilfrido Nollado and Virginia Moreno.

The symposium was sponsored by the Catholic Writers Guild. It was held at the University of Sto. Tomas.

Meanwhile, in another symposium Dr. Antonio Molina, of UST, and Dr. Waldo Perfecto, of De la Salle College, discussed "Freedom of the Press" and "Catholic Reading Guidance" respectively.

## The new Pipe Organ of Christ the King Seminary Church

The Christ the King organ is a small church organ, but with a minimum of expenses and without giving up quality we tried to build a liturgical church instrument, capable to accompany Plain Chant and Community singing, fitted for Trio-and Solo-playing, for the polyphonic and as far as possible modern organ music.

The organ is built for the tropics. The system is electro-pneumatic, so called pistons or "Kegellade".

The stop list or disposition is the following:

<b>I. Manual (Great), Compass C-g<sup>3</sup></b>	
Principal	8'
Salicet	8'
Octave	4'
Blockflute	2'
Mixture	1-1/3', 6 ranks
Trompet (reeds)	8'

<b>II. Manual (Positive), C-g<sup>3</sup></b>	
Singend Gedeckt	8'
Rohrflute	4'
Principal	2'
Sifflute	1-1/3'
Sharp	1', 4 ranks
Oboe (reeds)	8'
Tremolo	

### **Pedal, C-f<sup>1</sup>**

Subbass	16'
Gedacktbass	8'
Pommer	4'

### **Couplers: II to I**

II to Pedal

I to Pedal

1 set of "Handregister"

1 set of "Free Combinations"

Tuitti, Free Combination and Annulator as Foot-puffer and handswitch, Reeds off, Registererescendo off, Automatic Pianopedal on. Register crescendo adjustable.

Electric blower and traction rectifier, Windpressure is 3-1/8" or 80 Millimeter.

Not yet built are the 2 organ prospect-pipes (the organ face) and 3 Pedalstops: Contrabass 16', Principal 8' and Pedalmixture 3 ranks. They will be installed later but are already provided for in the console. The console is "unattached", connected with the organ by electric cable.

The organ was elevated on a podium one meter high. Children cannot touch the pipes and the sound of the Positive passes over the heads of the choir. The organ was purposely inclosed in an organ case as protection against the sun, dust and insects, and to refine the organ sound.

The organ case was designed by our carpentermaster, Br. Wunibald SVD, and built in our carpentershop. The organ will look better, if the 3 Pedalstops are placed on both sides of the case on half-chests (C- and Cischests) and after the openings are filled with the speaking prospect-pipes.

The intonation of the "flue"-pipes is thoroughly MF, all flue pipes can be mixed and used for solo- and trio-playing. The trumpet is a little fierce and the oboe is darker and more subdued in tone color.

Even the not yet complete organ is well balanced. The numbers of pipes are 1174. There are 21 ranks of pipes. The mixture has 6 and Sharp 4 ranks of pipes. The small organ is a true "straight" organ not a unit—or multiplex-organ. The Pedalstops are unified. From 1 rank of 54 pipes are taken: Subbass 16', Gedacktbass 8' and Pommer 4'. In a truly artistic organ Unification is allowed only in the pedalstops, where normally no cords but single notes are played.

The not yet built 3 pedalstops will be "straight" stops: Contrabass 16' and 30 pipes, Principal 8' and 30 pipes, Pedalmixture 3 ranks and 90 pipes.

P. HERMANN SCHABLITZKI, SVD

## BIBLIOGRAPHY

**GENERATION OF GIANTS — The Story of the Jesuits in China in the last Decades of the Ming Dynasty**, by George H. Dunne, S.J., University of Notre Dame Press, 1962.

Father George H. Dunne, missionary of China before the Second World War and since 1961 Assistant to the President of Georgetown University in Washington D.C., is the author of this scholarly and highly readable book.

GENERATION OF GIANTS is the story of the sixteenth and seventeenth century Jesuit Missionaries who, coming from Europe, penetrated the almost unknown world of the Chinese Empire and endeavoured to bring into it the Light of the Catholic Faith.

China, with her long history, ancient heritage, important philosophical and moral traditions and advanced culture, offered to the Catholic Missionaries a field of action that in many aspects differed considerably from that of other american and asiatic countries. Owing to this, the Missionaries soon found themselves divided in two camps: those who advocated a policy of accommodation to the Chinese way of life, and those who followed the more traditional method of evangelization. The former dedicated themselves to the study and teaching of mathematical and astronomical sciences—dear to the Chinese Imperial Court—adopted native dresses and customs and in general tried to look and act like Chinese as far as it was possible. Their purpose was to obtain by these means the favour and, if possible, the conversion of the Emperor, and through his influence to convince the Chinese of the truthfulness of the Catholic Religion. This was the "Generation of Giants," the greatest exponents of which were Matteo Ricci and Adam Schall von Bell. Opposed to them and their followers were what Father Dunne calls the "Europeanized Missionaries," that is, the majority of the Jesuits in the Far East and the members of other Religious Orders working in China. Paying less attention to adaptation, they preferred the more traditional methods of prayer, mortification and direct preaching to the people.

The Adaptationists succeeded to some extent in winning the favour of the Imperial Court and in obtaining some privileges for the Christians. They also made a name for themselves in China, although it was more as scientists than as missionaries. Unfortunately, however, for fear that the so-called Europeanized missionaries might with their methods of evangelization endanger the life of Christianity in China, they

resented their entry in the Empire. In return, the Adaptationists were accused by their adversaries of selfishness in outlook and policy, of going too far in their spirit of accommodation and of sacrificing to it the purity of the Faith.

The dispute between the two contending bands fills whole chapters of the history of the Catholic Missions in China. It was sharp at times; but, with a few exceptions, it did not affect the charitable relations that were supposed to reign among missionaries of the same Religion who, in spite of their differences, worked for the same purpose. The question was finally settled by the Holy See.

Father Dunne's book is apologetic in tone and intends to be a defense of Ricci, Schall and their followers and a condemnation of the methods and policies of the "Representatives of Europeanism".

However, the position of the two groups is often confused. If the Adaptationists were often misunderstood and even maligned by their adversaries, so were those who opposed their views. Besides, the other missionaries of China and the Far East were not as Europeanized as they are pictured. They also strived to acquaint themselves with the language and traditions of the Chinese and from Chinese Culture they adopted as much as they thought compatible with their conscience and with the purity of the Faith they preached. Moreover, it was not simply a matter of accommodation in externals, over which there was in reality little difference of opinion. The real issue was to determine to what extent the principles of Adaptation could be carried without detriment to Catholic Dogma and Morals.

The various methods of apostolate in China are not to be judged from pre-conceived or conventional ideas nor from their immediate temporary results. The Europeanized Missionaries had in their apostolic endeavours as much success—although not always so spectacular—as the Adaptationists. And when the test came in the time of the persecutions, their Christians showed as much — if not more — solidity and strength of Faith as those converted by the Method of Adaptation.

On the whole, *Generation of Giants* is a worthy contribution to the study of the history of the Catholic Missions in China and a work of great value to those interested in it.

REV. G. TEJÓN, O.P.