

# BOLETIN ECLESIASTICO de FILIPINAS

**APOSTOLATUS PERAGENDI**

**Paul VI**

**JUSTITIAM ET PACEM**

**Paul VI**

**JOINT PASTORAL LETTER TO OUR PEOPLE:  
THE BOND OF LOVE IN PROCLAIMING THE  
GOOD NEWS**

**Philippine Hierarchy**

**THE SIGNIFICANCE OF MARY IN THE  
PROBLEM OF CHRISTIAN UNITY**

**Frederick M. Jelly, O.P.**

**FREEDOM AND MAGISTERIUM**

**Cormac Burke**

**PROTECTION OF SUBJECTIVE RIGHTS  
AGAINST THE ADMINISTRATIVE ACTS OF  
THE ORDINARY OF THE PLACE**

**Leonardo Medroso**

# BOLETIN ECLESIASTICO de FILIPINAS

THE OFFICIAL INTERDIOCESAN ORGAN

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## Love For All No Malice Towards Any One

Can we criticize the government and still love those who govern? The Joint Pastoral Letter of the Philippine Hierarchy, "The Bond of Love In Proclaiming the Good News" gave a resounding "YES" in answer to this question. In so doing the Bishops closed ranks and stopped the rift that was polarizing them into the opposing camps of "political" Bishops and "a-political" Shepherds.

The letter is notable for its positive approach. Before pointing out the questionable aspects of some government policies it is careful to acknowledge what good it finds in them. It is interspersed with phrases like: "we readily appreciate the efforts of the government..." "we praise the intent of the government..." "we recognize the delicate situation obtaining in the government's efforts to solve the centuries-old problem of Mindanao..."

The authors of the letter even took pains to coin new names that acknowledge the praiseworthy role of the Army and Constabulary: "Guardians of Peace" and "Protectors of National Security". And they do not fail to invite people to pray so that the "Workers of Evangelization" and the "Guardians of National Security" start anew the common task of uniting our People for progress and peace. "Let us remove," they said, "the painful irony that while we share common aspirations, we have nevertheless looked at each other with suspicion and mistrust."

Nevertheless the Bishops are not afraid to say that they "strongly deplore and condemn" the Presidential Arm on Cultural Minorities (PANAMIN) for its responsibility in the harassment, intimidation, arrest and imprisonment of "men and women working for the rights and development of cultural minorities precisely as cultural communities." They also criticize the government for disregarding God-given rights touching on family life; they "voice our people's apprehension lest basic human rights be ignored in the attempt to resolve the problems" of Mindanao.

The government is severely admonished to respect the Church's God-given right to evangelize by forming Basic Christian Communities, which the government should not misunderstand by looking at them as a threat to the existence of the state. The least the Bishops ask for is that "at all times due process be observed in all cases of arrests and deportation of Workers of Evangelization be they priests, religious or lay workers."

These seem to be bold demands but their restraint would be better appreciated if we notice that not a word is said directly against martial law. Compare this with the position paper of the 17 Bishops, "Ut Omnes Unum Sint" — that all may be one. You will conclude that something must have happened during the Conference to convince the 17 Bishops to abandon their belligerent attitude towards martial law."

At the same time, something must have happened to convince the pacific Bishops that the Church has to "strongly deplore and condemn" certain government practices protected by martial law.

What happened? Through prayer and the Holy Spirit the Bishops came to the deeper awareness that "The Church embraces all men as brothers under the Fatherhood of God. She is not partial to any group. She has a motherly sympathy for the poor and voiceless. She has love for all, no malice towards any one."

May these truths become more deeply a part of ourselves each day.

## In This Issue

Justice and peace continue to elude us but we must not give up hope. We must explore new ways of working for them. We must examine ourselves to find out whether we have been neglecting some of the means needed for our task. Have we sufficiently counted on the contribution of lay leaders? Recent developments connected with the Theology of Liberation show a trend towards excessive clericalism in temporal matters. We must let the laity undertake their rightful role of uplifting the temporal order. For this reason we welcome the Apostolic Letter *Motu Proprio "Apostolatus Peragendi"* which transforms the Council of the Laity to a Pontifical Council for the Laity and enhances its competence: it will not only deal with matters concerning the apostolate of the

lalty but it will also look after the proper orientation of their lives as lay Christians and see to it that ecclesiastical laws concerning them are properly followed.

The Pontifical Commission Justice and Peace becomes a permanent body of the Holy See through the new Constitution given to it in the Apostolic Letter *Motu Proprio "Justitiam et Pacem"*. This shows once more the great importance the Church attaches to fostering and defending justice and peace.

Drawing up the balance sheet of the Church's activities and problems connected with her commitment for the **Peace and Progress of Mankind** in the year 1976, Pope Paul VI sees how urgently we have to seek peace and put all our resources at the service of integral human development.

Justice and Peace can never become a reality if we do not cultivate the **Bond of Love in Proclaiming the Good News**. This is the point our Bishops make in their Joint Pastoral Letter.

Peace takes the particular form of Unity when ecumenical problems are discussed. It is this peace and unity that Fr. Jelly pursues in his article on **The Significance of Mary in the Problem of Christian Unity**.

Basil Meeking reports on the **Catholic Church and the World Council of Churches**, and he says that a Joint Working Group is promoting a study on the unity of Church. It calls for reflection on the nature and extent of the real but imperfect bond of communion between the Catholic Church and the member churches of the World Council of Churches. The Group also seeks to strengthen the common witness of Christians before the world.

"Where has all the clearness gone?" asks Cormac Burke when analysing the Church's **Magisterium vis-a-vis Freedom**. This, for him, is a crucial question because the Christian way, though not always easy, must be a clear way and it must make people **absolutely** sure they are going towards happiness in God.

Fr. Leonardo Medroso studies how the Church in the modern world copes with the **Protection of Subjective Rights Against the Acts of the Ordinary of the Place**. This task is entrusted to the Supreme Apostolic Signature Tribunal in Rome. Fr. Medroso suggests that branches of this Tribunal be set up on a regional or provincial basis, and that the constitution "*Regimini Ecclesiae Sanctae*" be amended so that aggrieved persons could have easier access to such Tribunals.

## PRESENTATION OF THE MOTU PROPRIO "APOSTOLATUS PERAGENDI"

With the *Motu Proprio Apostolatus Peragendi*, the Supreme Pontiff gives the *Consilium de Laicis* a permanent and clearly defined form, at the expiry of its experimental period. As will easily be gathered from a reading of the document, this form is in many ways new and very different from the previous one, which had existed since the setting up of the *Consilium* in January 1967.

For a better understanding of the form and tasks of the restructured Council, there follow a number of indications of the main aspects conferred on it by the dispositions of the *Motu Proprio*.

1. One notes first of all two alterations in the name.

The *Consilium* is given the title *Pontificium*. This is intended to mean that the Council assumes a different position in the Roman Curia: it acquires, over and above the simple consultative function it has had until now, a much wider function, linked to the *potestas ordinis et jurisdictionis*, referred to in Article II of the *Motu Proprio*, and therefore a function of participation in the *regimen Ecclesiae* in matters regarding the life and activity of the laity.

The title *de Laicis* is also changed to *pro Laicis*. This new form expresses a greater similarity between the Pontifical Council and the Sacred Congregations, all of which have the preposition *pro* to indicate their service to the Bishops, Clergy, Religious, etc.

2. There are more notable changes with regard to its structure with a view to fitting it better for dealing with the tasks assigned to it.

A first change is the setting up of a Presidential Office. Its task is to decide the questions of greater importance dealt with in the Council. It will be presided over by the President of the Council and formed by three Cardinals and also the Secretary.

A second change, stemming from the fact that the Cardinal President resides in Rome, is the suppression of the post of Vice-President. The latter is an exception to the norms of *Regimini*

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*Ecclesiae Universae*, for cases where Presidents reside outside Rome. As in the Departments of the Curia, the Secretary becomes the second authority.

The Members (who will also include some Bishops and other ecclesiastics) will meet in Plenary Session in Rome once a year. The Consultors on the other hand will not do so, but, as in the case of the other bodies of the Curia, will normally assist with written opinions.

3. The most significant innovation in the Council, however, is on the level of its spheres of competence.

The Pontifical Council is competent not only for the apostolate carried out by the laity (individual and collective), but also for the orientation of their lives as lay Christians and for the application of the ecclesiastical laws that concern them.

The *Motu Proprio* then indicates some particular instances of this competence: encouraging the laity to a more dynamic participation in the Church's life and mission; orienting and where necessary promoting apostolic initiatives; dealing with questions concerning organizations for the apostolate or spirituality of lay people, on the international or national level, pious associations, the Third Orders, etc.; encouraging a more effective presence of lay people in the Church's liturgical, catechetical, sacramental and educational activity; watching over correct observance of the ecclesiastical laws regarding the laity and assisting in resolving by administrative means conflicts involving lay people; supervision of the organic collaboration of lay people in Pastoral Councils.

The vast field in which the competence of the Pontifical Council for the Laity will be exercised will very often touch upon the competence of many Departments of the Roman Curia. The Council will therefore constantly have to harmonize its action with them in an exchange that must become ever more close and intense.

4. The question of the Committee for the Family receives special attention in the *Motu Proprio Apostolatus Peragendi*. In view of the fact that family questions are in a profound sense lay questions, the Holy Father has decided that the Committee for the Family, which he set up in January 1973, should be attached to the new Pontifical Council for the Laity. Thus, while preserving its own form, specific structure and identity, the Committee for the Family is inserted into the Council for the Laity, sharing the same President.



## APOSTOLIC LETTER

### MOTU PROPRIO OF POPE PAUL VI

#### “APOSTOLATUS PERAGENDI”

Restructuring of the  
**Consilium de Laicis**,  
in which it takes the name

#### PONTIFICAL COUNCIL FOR THE LAITY



Different forms of the apostolate or “varieties of service” (cf. 1 Cor. 12, 5) that help to build up the Mystical Body of Christ, which is the Church, belong by full right also to the laity. The Second Vatican Ecumenical Council has taught this in our times, setting forth the traditional teaching on this matter in a new light. For the laity “live in the world, that is, in all and in each of the secular professions and occupations. They live in the ordinary conditions of life in the family and in society, from which the web of their existence is woven. They are called there by God so that by exercising their proper role and being led by the spirit of the Gospel they can work for the sanctification of the world from within, in the manner of leaven. In this way they can make Christ known to others, especially by the testimony of a life resplendent in faith, hope and charity” (Dogmatic Constitution **Lumen Gentium**, 31).

The present time clearly calls for a more earnest and more widespread apostolate on the part of the laity; indeed, “an indication of this manifold and pressing need is the evident work of the Holy Spirit in making the laity today ever more conscious of their own responsibility and inspiring them everywhere to serve Christ and the Church” (Decree **Apostolicam Actuositatem**, 1).



In response to these circumstances and to the exhortation of the Council (cf. *ibid.*, 28) the **Consilium de Laicis** was set up in the Roman Curia by the **Motu Proprio Catholicam Christi Ecclesiam**

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of 8 January 1967. It must be remembered however that this *Consilium* was set up experimentally and temporarily so that practice and experience might suggest suitable changes (cf. AAS 59, 1967, p. 28).

We acknowledge that this *Consilium* has diligently fulfilled the tasks confided to it, by fostering, methodically organizing and coordinating the apostolate of the laity on the national level and throughout the Church, by assisting the hierarchy and the laity with advice, by engaging in studies in this area, and by undertaking other initiatives.

The reasons for which this Council was set up have greatly increased, and the questions to be faced and resolved in this field of the Catholic apostolate have become much more serious and widespread. The experience obtained in these years has also supplied useful knowledge. We have therefore decided to give this institution of the Roman Curia, which can be counted among the outstanding fruits of the Second Vatican Council, a new, definite and higher form.

Hence, after mature consideration of the whole question and having sought the opinion of experts we decree and determine the following:

### I

The *Consilium de Laicis* will henceforth be called the "Pontifical Council for the Laity".

### II

This Council is headed and directed by a Cardinal President, who is assisted by a Presidential Committee composed of three Cardinals resident in Rome and the Secretary of the Council.

The Presidential Committee meets every two months and as often as the Cardinal President decides, in order to deal with more important questions.

The Cardinal President is assisted by a Secretary and an Under-secretary. It is the task of all the above-mentioned, according to the norm of law, to perform everything that requires the power of Order and jurisdiction.

## III

The members of this Pontifical Council are mostly lay people, selected from different parts of the world, and involved in different forms of the apostolate of the laity, with a suitable proportion between men and women. Among the members are also some Bishops and priests.

Unless particular circumstances suggest otherwise, the members are convoked once a year to a meeting with the Presidential Committee, under the chairmanship of the Cardinal President, assisted by the Secretary.

## IV

The Council is assisted by Consultors distinguished for uprightness, knowledge and prudence. They shall be chosen so as to ensure a majority of lay people and a suitable proportion between men and women. The Secretaries of the Sacred Congregations for Bishops, for the Eastern Churches, for the Clergy, for Religious and Secular Institutes, and for the Evangelization of Peoples, and the Secretary of the Pontifical Commission Justice and Peace are added *ex officio*. It is recommended that one or more of the Consultors should be chosen from women bound to the consecrated life.

## V

The Consultors form a group which is called the *Consulta*. Its purpose is to study in depth all questions to be decided by the Members of the Council and to perform faithfully the tasks entrusted to it by the Superiors.

The Consultors can be convoked all together or in smaller groups for some specific task, or for individual consultation.

The competence of the Pontifical Council for the Laity covers the apostolate of the laity in the Church and the discipline of the laity as such.

In particular, the Pontifical Council has the tasks of:

1. encouraging the laity to participate in the Church's life and mission, both—and this is the principal way—as members of associations for the apostolate and as individual Christians;

2. evaluating, guiding, and, if necessary, fostering initiatives regarding the apostolate of lay people in the various spheres of society, with due regard for the competence of other bodies of the Roman Curia in this matter:

3. dealing with all questions concerning:

— international and national organizations of the lay apostolate, with due regard for the competence of the Secretariat of State or Papal Secretariat;

— Catholic societies for the promotion of the apostolate and the spiritual life and activity of the laity, without interference in the rights of the Sacred Congregation for the Evangelization of Peoples regarding societies fostering missionary cooperation exclusively;

— pious associations (i.e. arch-confraternities, confraternities, pious unions, sodalities of all kinds), in consultation with the Sacred Congregation for Religious and Secular Institutes whenever it is a case of an association erected by a Religious Family or a Secular Institute;

— lay Third Orders, with regard only to questions concerning the activity of their apostolate, and thus without interference in the competence of the Sacred Congregation for Religious and Secular Institutes for other questions;

— associations of both clerics and lay people, with due regard for the competence of the Sacred Congregation for the Clergy in the matter of the observance of the general laws of the Church (cf. the norms of the Apostolic Signatura);

4. fostering on its own initiative active participation by the laity in such fields as catechetics, liturgy, the sacraments, and education, in collaboration with the various Departments of the Roman Curia dealing with these matters;

5. seeing that the Church's laws regarding the laity are strictly observed, and examining by administrative means disputes involving lay people;

6. in agreement with the Sacred Congregation for the Clergy, dealing with questions concerning Pastoral Councils, whether on the parish or diocesan level, in order to encourage lay people to take part in joint pastoral action.

## VI

The Committee for the Family is attached to the Pontifical Council for the Laity, while keeping its own form and identity.

## APOSTOLATUS PERAGINDI 11

The Cardinal President of the Pontifical Council for the Laity presides over this Committee and in this matter he is assisted in a special way by the Secretary of the same Council.

The Cardinal shall give to one of the Officials of the Council for the Laity the charge of maintaining the ordinary contacts with the Committee for the Family.

We order that all that we have decreed by this Motu Proprio shall be regarded as established and ratified any disposition to the contrary notwithstanding.

Given in Rome, at Saint Peter's, on the tenth day of December in the year 1978, the fourteenth of our Pontificate.

PAULUS PP.VI

# THE PONTIFICAL COMMISSION JUSTICE AND PEACE RECEIVES A NEW CONSTITUTION

## *The new Constitution*

Paul VI has given the Pontifical Commission Justice and Peace a new constitution, and he has determined its mandate more precisely. After an experimental period of ten years it thus becomes a permanent body of the Holy See, having been confirmed according to the general norms governing the Roman Curia (*Regimini Ecclesiae Universae*, art. 1).

The Commission was set up immediately after the Second Vatican Ecumenical Council in response to a desire expressed in *Gaudium et Spes*, 90. It functioned during a first five-year period (1967-1971), and was renewed for a second experimental period. This latter period was first fixed for three years, then extended until the Holy Year 1975, and finally prolonged until there would be a further decision. The Commission came into being together with the *Consilium de Laicis* and as its twin organization. Hence both were set up by the same *Motu Proprio* (*Catholicam Christi Ecclesiam*, 6 January 1967), and united under the same presidency. Now, with the *Motu Proprio* *Justitiam et Pacem*, the Pontifical Commission receives its own definitive character which, it can be said, brings it to maturity among the organizations of the Holy See.

Like the Departments, the Pontifical Commission Justice and Peace is composed in its structure of members and consultors, who are named by the Holy Father. The members are Cardinals, Bishops, other ecclesiastics and lay persons who continue to exercise their ministry and their respective professions. Chosen from every part of the world, from different cultures, from diverse surroundings and roles in society and in the Church, they ensure for the Commission an efficient living contact with the realities of history and with current problems. They assemble in periodic general meetings, in order to contribute through their specialized knowledge and pastoral experience to outlining the work of the Commission. Consultors, both ecclesiastics and lay persons, are also appointed by the Holy Father, in virtue of their competence in

the area of the Church's social thought and action; they will frequently be consulted in writing on matters pertaining to their competence, or they will be requested to participate in study groups.

### *The mandate*

Even though the structure of the Commission is similar to that of other bodies of the Holy See, the mandate assigned to it makes it differ substantially from the Curial Departments. It has as its aim to awaken the sensitivity, conscience and concern of the People of God — both individuals and institutions — so that they may fully respond to their mission of serving the cause of justice and peace in the world.

It therefore does not have a juridical or administrative task giving it an exclusive competence of a juridical nature for determined geographical areas, for various categories of persons or for certain types of problems. It has rather the task of attentive listening, of study, of proclamation and encouragement, wherever justice and peace find their vital dimension.

It is in fact in all sectors of society that it is necessary to promote justice and peace, so that the light and leaven of the Gospel will penetrate into each of its parts.

The pressing needs that have marked the origin of the Commission (Justice for poor countries, international peace: cf. *Gaudium et Spes*, 90) continue to exist: they are not superseded as the perspectives widen. On the contrary, the experience of the Commission in its experimental period and the results of the recent great international discussions show all the more how realistic programmes for the development of poor peoples and the establishment of a new international order create the obligation to re-examine in depth all aspects of the life of society and the life of both rich and poor nations.

In determining the areas of action of the Commission, the *Motu Proprio Justitiam et Pacem* several times mentions justice, the development of peoples, human advancement, peace and human rights.

Insistence on the problem of offences against justice and of violations of human rights is particularly significant (cf. II, 6). The problem unfortunately is a sad reality in many parts of the world. Various years of experience have led the Commission, in contact with the national Commissions, to devote an important part of its energies to this question. An example of this is its publica-

tion "The Church and Human Rights", which came out a year ago and which gathers the fruit of study and offers helpful pastoral suggestions to the local Churches.

In this field, what is asked of the Commission is to emphasize the specific contribution of the Church. As Paul VI has recalled in his Pastoral Exhortation *Evangelii Nuntiandi*, the Church's action for justice is inserted in the context of her evangelizing mission. This explains the insistence on the doctrinal, pastoral and evangelizing aspects.

### *Methodology*

In its methodology of action, the Pontifical Commission works according to different phases. They are: attentive listening, the gathering and analysis of data, an examination made in the light of the Gospel and of the teaching of the Church, fruits of reflection, suggestions and incentives for action.

This attitude of attentive listening, which the Second Vatican Council has so forcefully evoked in *Gaudium et Spes* (particularly in the Introduction), must continue to be a characteristic of the Church, so that she may be truly present in today's world. Such an attitude of openness and receptivity is formally required of the Pontifical Commission Justice and Peace. The *Motu Proprio* says that it is necessary for the members of the Commission to be constantly attentive to what is happening in the sectors of their competence, and to what people are looking for in these areas, in accordance with various times and circumstances. The document likewise says that the Commission must synthesize studies referring to the development of peoples, peace, justice, and human rights, under the cultural, moral, educational, economic and social aspects. A particular emphasis is placed on this phase of the study.

But in order that this work may be truly Christian, the Commission is called to study all the human situations in the light of the Gospel and in fidelity to the Church's Magisterium. The study must be done in theological depth and must be linked with the living tradition of the Church in the matter of reflection and of social action. It is not a question of lazily repeating the past but of evoking new fruits from that tradition and of collaborating for the evolution of the social thinking of the Church. This is to be done in the perspective mentioned by Paul VI in *Octogesima Adveniens*, 42: "It is with all its dynamism that the social teaching of the Church accompanies men in their search. If it does not intervene to authenticate a given structure or to propose a ready-



made model, it does not thereby limit itself to recalling general principles. It develops through reflection applied to the changing situations of this world, under the driving force of the Gospel . . ."

For the concrete effectiveness of its work, the Pontifical Commission must make known the results of its studies, its work of documentation and its reflection to all the parts of the Church that are concerned in them. These results should contribute to enlightening the People of God and to encouraging them so that they may attain full awareness in the areas of their obligations for a truly Christian life.

Hence the last work phase of the Commission is providing incentive and animation for action, and above all pastoral action in the Church, within a pastoral perspective of evangelization.

#### *Those with whom the Pontifical Commission collaborates*

These interlocutors are grouped in three categories. It is interesting to note that the *Motu Proprio* speaks at the beginning of regular and organic contacts with the Episcopal Conferences: this emphasizes the role of animation in regard to the entire Church. By means of the Episcopal Conferences and in accord with them, the Commission works with all the active forces which on the level of research or of action are concerned with the same problems and which are in communion with the Episcopate (according to different statutes which are determined or approved by the Conferences themselves). Where national Justice and Peace Commissions exist, it is natural that they should be privileged interlocutors, but they are not parts or national sections of the Pontifical Commission. Their statutes, which differ according to countries and circumstances, are determined or approved by the Episcopal Conferences themselves, inasmuch as these national Commissions are bodies of the local Churches.

A second group of interlocutors is made up of the Departments of the Roman Curia, in so far as their work, under various aspects, is connected with problems of justice and peace. The relationship with the Secretariat of State is particularly evident, because by reason of *Regimini Ecclesiae Universae* the Secretariat of State has a general coordinating function, and various areas of the Commission work have repercussions in the sphere of the Secretariat of State's competence.

A third group of interlocutors is formed by groups and different institutions within the Church (Religious Orders, International

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Catholic Organizations, etc.) and by groups and individuals outside the Church that make a contribution to the realization of the same aims, and with which the Curial Departments normally have relationships. There is also a clear ecumenical dimension that extends also to the sphere of non-Christians.

### *Immense task*

An immense task is thus entrusted to the Pontifical Commission Justice and Peace. It is a task that must be fulfilled within a perspective of attentiveness and of openness to a world where the continuous and rapid changes of relations between individuals and peoples constantly bring forth new problems or reveal new aspects of problems. It is a task which is a true evangelical witness which embraces fidelity to the rich and living tradition proposed by the Magisterium of the Church, and which is an action directed towards inspiring continual progress and renewal. It is a task which shows a concern for assisting and serving the entire People of God in their commitment to justice and peace.

## APOSTOLIC LETTER

### MOTU PROPRIO OF POPE PAUL VI

### "IUSTITIAM ET PACEM"

Definitive structuring of the

### PONTIFICAL COMMISSION JUSTICE AND PEACE



The promotion of justice and peace and the penetration of all spheres of human society with the light and the leaven of the Gospel have always been the object of the Church's efforts in fulfillment of the Lord's command. The Second Vatican Ecumenical Council directed its attention to the hopes and possibilities the trials and difficulties peculiar to our time and threw fresh light on this duty (cf. the Pastoral Constitution *Gaudium et Spes*, 90). In response to the Council's desire, a Commission was established and given its juridical structure by our Motu Proprio *Catholicam Christi Ecclesiam* of 6 January 1967. It was set up for a five-year experimental period, since "practice and experience can suggest suitable modifications" (AAS 59, 1967, p. 28). This period was later extended by us for another five years.

During these ten years the Commission has studied carefully and put into practice the doctrine and precepts of the Pastoral Constitution *Gaudium et Spes* and other Church documents. It has rendered the good service of making the Church's voice heard in society as the herald of true justice and true peace.

However, since the questions the Commission has to deal with are very complex and are often linked with other problems, many people have asked for its functions to be more clearly defined, so that this body of the Apostolic See may be able to fulfill ever more effectively the duties entrusted to it.

In determining definitively the Commission's aims and structure, we intend to affirm plainly once again the great importance that the Church attaches to fostering and defending justice and peace.

The members of the Commission must therefore be constantly attentive to what is happening in their field and to what people in various times and circumstances desire should happen. They must study these questions in the light of the Gospel and the Church's Magisterium. By making known the results of their reflections they are to help in giving guidance to God's people and in encouraging them to become more aware of the obligations imposed in this field by a truly Christian life.



The Commission has the following noble aims and practical principles: to carry out action-directed studies that are fitted into a pastoral evangelizing perspective; to be at the service of the Church's members and institutions, enabling them to translate into concrete commitments, valid as Christian witness, the Commission's recommendations and advice; to encourage progress and renewal while seeing in the Church's supreme authority the fundamental guideline and the guarantee of effectiveness; and to perform this work in an ecumenical perspective.

It must not be forgotten that the continuous rapid change in relations between individuals and peoples constantly gives rise to new questions and reveals new aspects of problems concerning justice, peace, the development of peoples, and human rights. The Commission needs suitable structures for dealing with this complex and changing reality.

Therefore, after long and due consideration of the whole question and having consulted experts, we decide and decree each of the following points with regard to the Pontifical Commission Justice and Peace.

## I

The Pontifical Commission Justice and Peace is the Holy See's organization for examining and studying (from the point of view of doctrine, pastoral practice and the apostolate) problems connected with justice and peace, with the aim of awakening God's people to full understanding of these questions and awareness of the part they play and of the duties that fall to them in the fields of justice, the development of peoples, human advancement, peace, and human rights. The Commission is to examine what specifically Christian contribution can be made to solving these problems. It is also to encourage the members of God's people to Christian witness and appropriate action in the above fields.

## II

To achieve these aims, the Commission shall:

1. in the first place, study in depth the social doctrine of the Church's Magisterium, spread knowledge of it by appropriate means, and endeavour to ensure that it is put into practice at all levels of society;

2. collect and synthesize studies referring to the development of peoples, peace, justice, and human rights, viewed in their cultural, moral, educational, economic, and social aspects; evaluate these studies from the theological point of view, and then see how this documentation can be used as an aid for pastoral activity and for more clearly defined involvement by Christians in the various local, national, and international situations;

3. make the results of its studies, documentation research, and reflection known to all the sectors of the Church which are concerned, and gather from these latter all useful information; for this purpose, the Commission shall in particular have regular organic contacts with the Bishops' Conferences and through them or in agreement with them provide information and every other possible aid to the bodies set up for the study of these problems (national Justice and Peace Commissions and other bodies) and working in accordance with statutes decided or approved by the Bishops' Conference;

4. be in regular contact with the Departments and other bodies of the Apostolic See involved in these problems, in order to keep them informed and remain at their disposal for assistance in drawing up appropriate action programmes; these bodies can ask the Commission for advice on all questions belonging to the field of competence of the Pontifical Commission Justice and Peace; the Commission shall have regular links with the Secretariat of State or Papal Secretariat, which will give the Commission appropriate instructions;

5. in collaboration with these same bodies, place the results of its reflection at the disposal of other groups and institutions within the Church, such as the Religious Orders and Congregations and the International Catholic Organizations; it shall act in the same way with regard to groups and persons outside the Church with whom the bodies of the Apostolic See have regular links, such as the other Christian Churches and communities, the non-Christian religions, and the associations and agencies contributing to the attainment of the Commission's purpose;

6. endeavour to obtain information on cases of denial of justice, occurring in concrete situations, and to gather objective and complete information on these cases; the Commission shall express Christian solidarity with those who suffer injustice whenever the gravity of the situation or of the facts justifies it, after having come to an agreement with the Secretariat of State regarding any such declaration or initiative.

### III

The Pontifical Commission Justice and Peace is composed of Cardinals, Bishops, clerics and lay people, named by the Supreme Pontiff for a five-year period. It is under the direction of a Cardinal President, assisted by a Secretary and an Undersecretary. Clerics and lay people who are genuinely competent in the Church's social thought and activity shall likewise be appointed by the Pope as Consultors for a five-year period.

### IV

The Members take part in the General Assembly, which, unless there are special circumstances, shall take place once a year, in order to contribute by their specialized knowledge and pastoral experience to the drawing up of the general lines for the Commission's work. The Consultors shall frequently be asked for written reports on questions in which they are competent, or be called upon to take part in study groups. There will be regular meetings of the "Congressus" of the Commission, as demanded by the work to be done.

### V

The norms of the Apostolic Constitution **Regimini Ecclesiae Universae** and of the **Regolamento** for the Departments of the Holy See apply to the Pontifical Commission Justice and Peace, unless otherwise laid down.

We order that all that we have decreed by this *Motu Proprio* shall be regarded as established and ratified, any disposition to the contrary notwithstanding.

Given in Rome, at Saint Peter's, on the tenth day of December in the year 1976, the fourteenth of our Pontificate.

PAULUS PP.VI

## **PRESENCE OF THE CHURCH IN THE WORLD FOR PEACE AND PROGRESS OF MANKIND**

**On 20 December, in answer to the Christmas greetings read on behalf of the Sacred College by the Sub-Dean, Cardinal Carlo Confalonieri, Paul VI delivered the following address.**

After the celebration of the Consistory, there is renewed for us the comfort of the annual meeting with Members of the Sacred College and with the Roman Prelates. Thank you, venerated Brothers and beloved Sons, for your presence here, the significance and intention of which has been so well expressed by Cardinal Carlo Confalonieri.

### **Significance of greetings**

It is certainly not an outward formality, far less a custom based on secular models, that unites us here: it is the now imminent proximity of the solemnity of the Birth of Our Lord Jesus Christ that calls us. It is the celebration of his coming among us, clad in our frail human poverty in order to raise it to the very level of his divinity and to endow it with his riches (cf. 2 Cor. 8, 9). It is the memory of the Holy Night of Bethlehem, whose miracle of light and grace will be renewed and will present itself again in its mysterious reality in the divine mysteries of the Liturgy of Christmas. All this calls us, as every year, to exchange greetings, and to express also externally, however inadequately, in the usual form permitted to our human limitations, that fullness of joy and life brought to us by the birth on earth of Christ, the Son of God and the Son of Mary.

He is sent by the Father, the gift of his love **par excellence** (cf. Jn. 3, 16), the Lamb who came to sacrifice himself for the sin of the world (cf. Jn. 1, 29, 36), the Alpha and Omega, the beginning and end, the first and last (cf. Ap. 1, 8; 21, 6; 22, 13), the key of David (cf. Is. 22, 22; Op. 3, 7), which opens and seals the secrets of the economy of the salvation that has sprung from the bosom of the Father, the Centre and Foundation of world history. If spiritual joy pervades us, if custom requires that we should express to one another the good wishes that mutual affection brings forth

In our hearts, it is because He came to save us, to prepare the Messianic banquet of the supreme goods for the multitude of the poor of Yahweh — and it is all of us who implore him "In expectation of his coming".

This wish extends spontaneously also to the whole span, still unknown and mysterious, of the events of civil life, for the year that is about to begin. In the light of the Word, in the power of his Hand which sustains everything, also the course of these events cannot but enclose a secret of his Providence, which with the collaboration of men of goodwill, will guide us to the achievement of peace and progress, for the good of the human family. And for all this, too, the wish springs up from the heart, in the light of the Word Incarnate.

In this light we are accustomed to look back on the year that is about to end, to draw up a balance-sheet, as it were, of the life of the Church, considered both in her relations with the world and in the unfolding of her life among the vicissitudes of the earthly city, and in her intimate and autonomous fullness. With you, venerated Brothers and beloved sons, we wish to traverse together briefly this common path of examination and inspection.

## I

### *The Church in herself*

The preference we wish to give to the problems of the internal life of the Church, certainly does not make us forget, in the first place, those that vast parts of the ecclesial community, in Europe and in Asia, as also in some countries of America and Africa, continue — or are beginning — to have to face owing to the limitations, the pressure and sometimes the oppression of which the ecclesial institution and individual faithful are victims.

Once more, in the imminence of the annual commemoration of the coming of Him who is the strength and hope of all those who believe in Him, we wish to tell these beloved sons of ours of our constant memory of them, to assure them of our special affection and prayer, to animate them to faithfulness and confidence, while we again manifest our firm determination to do everything in the possibility of this Apostolic See in support of their genuine right and in protection of the fundamental rights of every people and every human person.



**Anxieties and hopes**

If we go on to consider the panorama offered by the world at the end of this year and the forecasts for the one that is about to begin, we cannot hide our concern at certain disquieting situations which exist here and there and which might endanger the tranquillity of some territories, if not general tranquillity.

We wish in any case, to trust in the goodwill and wisdom of those who preside over the destinies of peoples, and in particular those upon whom the major responsibilities weigh in avoiding conflicts and safeguarding peace. We confirm, for our part, our commitment in the service of such a noble and necessary aim. And we confirm our determination to continue to offer all the collaboration in our power to those who sincerely share thoughts of peace with us and wish for an active, beneficial solidarity among peoples.

With a deep feeling of relief and satisfaction — although overshadowed by fears not yet sufficiently assuaged — we have seen draw to an end the fighting that has caused bloodshed in Lebanon for such a long time. Our thought goes to all the victims of this fighting and to all those who still feel its painful consequences in the flesh and in spirit. The efforts of goodwill on the part of all those in positions of responsibility must now be aimed at solving the problems that gave rise to the conflict and at the work of reconstruction. The Holy See, which has already tried to do its utmost for this purpose, will gladly continue to give all its willing collaboration.

It is our wish that the material reconstruction and the resumption of normal life in the country should be accompanied by a no less intense revival on the spiritual and moral plane: so that the image of Lebanon may shine forth once more as an example of respectful and fruitful coexistence between communities differing in their religion, but united in love of their common country and of its noble traditions.

The Lebanese crisis has emphasized even more the urgency of solving the long standing problem of the Middle East, in order that the situation of dangerous tension which remains in the region may at last be overcome, in a spirit of justice and equity. Authoritatively expressed opinions have judged the present as a very suitable time to search for a negotiated settlement. We hope this corresponds to reality and, above all, that all those responsible are willing and able to avail themselves of it. In this perspective, we cannot but repeat the wish and recall once more the necessity that — out of respect for what is right, and for the very solidity of peace —

an adequate solution should be found for the problem of the Christian Holy Places, as well as Jewish and Moslem ones, and in the first place for the problem of Jerusalem.

\* \* \*

We do not wish to pass over in silence the question of **Rhodesia**. Recent events, which have brought to the forefront the figure of a Prelate — Bishop Donald Raymond Lamont of Umtali — committed to the point of sacrifice to vindicating the rights of the native population, urge us to do so. But we are moved, above all, by the hope that the Conference convened to solve the Rhodesian problem may lead, with the necessary promptness, to positive results, so as to ensure real conditions of justice, peaceful co-existence and good collaboration among all the populations of the country. This is the wish we fervently formulate, out of the affection we bear for Africa.

This very rapid glance at the world surrounding us would be too incomplete if we said nothing about **Italy**, so close to us, and for so many reasons. We are not going to refer here to the problems of its national life, although we follow them with particular interest and not without trepidation. We wish, on the contrary, to allude to the work, to which the Holy See on its side consented willingly, for a revision of the Lateran Concordat which will make this historic act of reconciliation an instrument better suited to guarantee, under the present circumstances, the correct and friendly relationship between the State and the Church. This is even more necessary than elsewhere in a country in which history and present reality demand that both should be able not only to recognize loyalty their respective spheres of competence, but also to maintain — without detriment to their mutual autonomy and independence — the way of harmony and good cooperation, for religious peace and for the spiritual and moral advantage of the people. Such is the spirit and intention with which the Holy See — giving a concrete proof with its attitude — has set about the work of the revision of the Pact by mutual consent: and not the intention of claiming privileges, or the thirst for supremacy, as has been insinuated in some quarters with manifest injustice. Let us hope that the initiative, which is of really historic significance, may soon reach a successful conclusion.

## II

*The Church and major social problems*

And now, looking back at the life of the Church in herself, we cannot fail to mention briefly the events that have characterized the year about to end.

**Outstanding events of the year**

And in the first place we cannot but go back in thought to the irradiance of holiness that, in ideal continuation of the Holy Year, which was indeed a great movement of prayer, was poured out, as it were, on the world in the models of heroic Christian life, which we proposed to all our sons, in fact to all men: the new Saints, Beatrice da Silva Menses, Virgin, the Foundress of the Franciscan Sisters of the Immaculate Conception of Mary, and John Ogilvie, Martyr, of the Society of Jesus, who were canonized respectively on 3 and 17 October; and the new Blesseds, Leopoldo da Castelnuovo, Confessor, of the Order of Friars Minor Capuchin, on 2 May last, and the Discalced Carmelite, Mary of Jesus Lopez de Rivas, Virgin, the contemporary and fellow Sister of St. Teresa of Avila, on 14 November. They are rays that reach us from remote ages as well as from modern times to comfort us in the pre-eminent search for God, and in that love of our brothers, which have characterized the life of the Church following the "new commandment" (Jn. 13, 34), received ineffably from her divine Founder.

\* \* \*

We recall also the days of eucharistic faith, which we lived with the celebration of the International Eucharistic Congress of Philadelphia, which culminated, on Sunday 8 August, in a deep union of prayer round the altar of the Mass which united us from the city of miracle, Bolsena, with the crowds gathered in the USA city for the conclusion of the Congress. If holiness is the heart of the Church, it finds its continual nourishment in the eucharistic renewal of the Sacrifice of Calvary: here is the climax of Christian existence, here is the fullness of communion in the one faith, here is the visible apotheosis of the community life of the Church, as the inexhaustible source of interior renewal, which must continually operate in the conscience of each of the faithful.

We would also like at least to mention outstanding and significant events, of the year now drawing to a close: the calls of twenty new Members, we can well say from all over the world, to membership of the College of Cardinals as the visible and culminating expression, we said on 24 May, of the experience of faith lived during the Holy Year, of the collegiality on which new light was shed by the Second Vatican Council, and of faithfulness to the Church (cf. AAS 68, 1976, pp. 837 f.). And the memory of this accession of new Cardinals does not make us forget the painful gaps left in your venerated and representative College of Cardinals in the course of the year.

\* \* \*

Let us also mention the passing of the Churches of a whole Continent, we mean young and dynamic Australia, to the common law; the meeting of CELAM at Portorico; the incessant acts of the Holy See, among which we are happy to recall the recent reorganization, which gives the definitive character due to them, of two organisms of the Roman Curia, instituted after the Council: "Pontificium pro Laicis", united with the Committee for the Family, which depends on it, and the Pontifical Commission "Iustitia et Pax".

### Vitality of the Church

But our glance extends to the whole Church, at this particular moment. She is the sign of hope and a sure point of reference, today especially, when there are multiplying disquieting and frightening signs of a society which seems to be using the stupendous and fragile gift of freedom to become the slave of perverting ideologies, to which it succumbs without a struggle. Terrorism, coldly organized by dark forces which hide in a cowardly way in the shadow, sows death. It dismays the defenceless and confused conscience of most people, in so many nations of the world. In not a few countries prisons have become a school of delinquency. Yet, in the face of all these recurrent threats, of thought or of action, which seem to wish to disintegrate orderly public life and the forms of its peaceful society which promote the good of all, the Church does not cease to be the "signum elevatum in nationibus procul" (c. Is. 5, 26; 11, 12).

Her vitality is peaceful and majestic like the flowing of a great river of Messianic peace, poured forth by the Lord (cf. Is. 66, 12). This vitality is manifested in the defence of the heritage of faith,

which the Church guards intact with jealous care, like the apple of her eye, from corrosive criticisms and from interpretations that reduce it in any way. And she guards her heritage from prejudices and preconceived refusals, which lead in both cases always and only to disobedience to the legitimate Pastors of the episcopal body and to the humble successor of Peter who is at their head.

This vitality is manifested in fearless and irreproachable protection of the moral Law, inscribed in the heart of man and guaranteed by the Revelation of the Old and New Testament. This takes place by means of the teaching of this Apostolic See — which does not fear either the clamour or the hostility, far less the humiliation and the irony of that world for which Christ did not pray as he did for his disciples (cf. Jn. 17, 9) but which he loved to the extent of giving his life for it (cf. Jn. 3, 17; 6, 51; 14, 31). It is a teaching that proclaims the right to life, the indissolubility of marriage, the wholesome, ascetic and liberating norms of sexual life.

This vitality is also manifested in the evangelizing impulse that supports the Church in her mission, and which she in her turn sustains with an immense effort in order to be a witness among the peoples to God's truth and holiness. It is manifested in the various forms of ecclesial and religious life; in the faithfulness of families to the daily commitments in which the sacramental grace of marriage is unfolded; in the spiritual fruitfulness of consecrated souls; in the fervour that permeates particularly young people with happy symptoms of encouraging goodness, constructive thoughtfulness and a community consciousness; in the happy awakening of priestly and religious vocations, particularly for the missionary apostolate and for contemplative life.

### **Immutability of the deposit and living development in the Church**

This vitality of the Church, of which we have tacit but significant and extremely consoling proofs every day, can be compared to the organic life that pulsates in the universe. Like a large tree, the roots of which are deeply embedded in the soil that has been nourishing it for centuries, the Church, too, has roots bedded in the past, going as far back as Christ and the apostles. In this sense the immutability of the deposit which the Church guards in proposing dogma, morality and the liturgy itself in the luminous principle of "lex orandi, lex credendi", is unquestionable — and it is unreasonable to contest it. The life of the Church, stable and solid, remains one, because "unum corpus et unus Spiritus . . . Unus Dominus, una fides, unum baptisma. Unus Deus et Pater omnium, qui est super

omnes et per omnia et in omnibus nobis" (Eph. 4, 4 f). In this line we have been, we are and we always will be, in Paul's words: "Solliciti servare unitatem Spiritus in vinculo pacis" (ib. 4, 3).

But as this immutability springs from the very roots of the Church which draw their sap from the past, by means of Christ reaching the very bosom of God, so there is absolutely no conflict between it and the life that buds and blooms from those roots. There is no contrast between life and immutability; on the contrary, it is life that ensures the essential immutability of a living being. The immutability of stone, of insensitive matter, is quite different from the immutability that ensures the continuous identity of the living being through his physical and intellectual growth, and in his confrontation of the circumstances of existence. A plant, an organic body, remain substantially the same in proportion as they grow. It is the ancient and still appropriate comparison of Vincenzo di Lérin, known to everyone (*Commonitorium Primum*, 23; PL 50, 667f); it is the idea that had already been illustrated by Cyprian with inspiring images: "Ecclesia Domini... ramos suos in universam terram copla ubertatis extendit, profluentes largiter rivos latius pandit: unum tamen caput est et origo una et una mater recunditatis successibus copiosa" (*De unitate Ecclesiae*, 5; PL 4, 518). From the deep roots are developed the branches, always old and always new, of the same trunk: from the saps of the past they strain towards the future, forward, to gather the flocks of birds that seek shade and rest there (cf. Mk. 4, 32). Development is essential in the life of the Church.

### Opposing deviations after the Council

The Church remains immovably faithful to herself; but at the same time she is continually enriching herself. This shows the fruitfulness, the necessity, the role of the Second Vatican Council, which, no less than all the other ecumenical assemblies, gave a clear answer, unexceptionable on the dogmatic plane, prudent and renewing on the pastoral plane, to the requirements of the men of our time. Its positive results could not reasonably be questioned, even if, as has always happened in the life of the Church, there have been and there are painful deviations which, though perhaps proceeding from noble sentiments, cause very serious consequences in the Church. On the one hand, the development of the Church is understood in such a sense that her bounds can no longer be seen to such an extent that the very notion of her has been lost.

On the other hand, a mistaken motive of faithfulness leads to denying and rejecting all development, contrary to the evidence of

the living tradition of the Church. In both cases the evil arises fundamentally, as well as from a real lack of humility and obedience, from ignoring in actual fact the guarantee ensured for development, in continuity, by the very Author of the Church: people claim to set themselves up as the sole judges of what seems to be in the authentic line of tradition or not.

### Tradition

Certainly, the immutability of the faith is endangered today by the relativism into which some authors have fallen. But, in opposition to this attitude, we have firmly recalled that divine revelation has a precise and determined sense, an immutable truth, which is proposed for us to believe by Christ, the apostolic tradition and the documents of the Magisterium. We have warned that no hermeneutics has the right — with the intention of adapting the Good News to mentalities that differ according to periods and environments — to replace this meaning with other meanings which are alleged to be equivalent, though they are contrary in certain parts or are fatally reduced.

Yet the objection is put forward — and we say so with great sorrow — that various doctrines or directives of the Second Vatican Council, which we had confirmed and taken up again, depart from the traditional faith. We cannot linger on the various points, all the more so since we have not failed to do so on other occasions. But we wish at least to mention that of the right religious freedom. It is a question of a right with regard to human authorities in particular, that of the State; and of a right — which is at the same time, even more, a serious moral duty — which has as its object the search for the true religion, as well as the choice and the commitment to which this search is addressed. The Council does not in any way base this right on the claim that all religions, and all doctrines, even erroneous ones, involved in this field, have a more or less equal value. It bases it, on the contrary, on the dignity of the human person. This dignity demands that it should not be subjected to exterior coercion which aims at oppressing conscience in the search for the true religion and in supporting it.

### CONCLUSION

Venerated Brothers and beloved Sons!

This is what we wished to confide to you as we anxiously await the feast of the Word who comes to save us. In these days our

heart is in the sacred grotto of the Nativity, thought and prayer spring forth round the crib: Jesus descended into that nakedness to found the Church, the sacrament of salvation; for the Father, as the Council said, "sent his Son . . . to dwell among men and to tell them about the inner life of God (cf. Jn. 1, 1-18). Hence, Jesus Christ, sent as "a man among men" (Ep. to Diognetus, 7, 4). "speaks the words of God" (Jn. 3, 34) and accomplishes the saving work which the Father gave him to do (cf. Jn. 5, 36; 17, 4)" (*Dei Verbum*, 4). From there, from that crib there began to spring up the seed which now, a full grown tree, spreads over the whole earth; from there came the beginning, from there the driving impulse, from there the explanation of the whole history of the Church and the world, in the movement of holiness and grace that originated in his coming.

So we wait for him, so we will see him, so we will pray beside the holy Cradle: and we will find him there, smiling at us and encouraging us from the arms of his Immaculate Mother Mary. To her, the Mother of Christ and Mother of the Church, we entrust with indomitable hope the future of the Church herself, in fact of the whole of mankind, for which Christ was form. We ask her to be able to love the Church as she loved her, and to imitate her motherly mission in the apostolate. Yes, venerated Brothers, as the Council stressed, "the Church, therefore, in her apostolic work too, rightly looks to her who gave birth to Christ, who was thus conceived of the Holy Spirit and born of a virgin, in order that through the Church he could be born and increase in the hearts of the faithful . . . The Virgin has been a model of that motherly love with which all who join in the Church's apostolic mission for the regeneration of mankind should be animated" (*Lumen Gentium*, 65).

We will all have to give account of the intensity and sincerity of this love to Him who will come to judge us in the majesty of the Father's glory, as he comes now to redeem us in the incomprehensible humility of his abasement. In this watchful and prayerful expectation, may the Son of God made Man bless us all from the arms of the Virgin Mary. In his holy Name we now bless you, in our turn, wishing you a "Happy Christmas!".



# **JOINT PASTORAL LETTER TO OUR PEOPLE THE BOND OF LOVE IN PROCLAIMING THE GOOD NEWS**

Our dearly beloved People of God:

"I must proclaim the GOOD NEWS of the Kingdom of God."  
(Lk. 4:43)

"It is a duty that has been laid on me (preaching the Gospel);  
I should be punished if I did not preach it." (I Cor. 9:16)

"The task of evangelizing all people constitutes the essential  
mission of the Church." (Synod 1974, n. 36)

## **A. EVANGELIZATION**

This is **EVANGELIZATION**: the proclamation, above all, of **SALVATION** from sin; the **LIBERATION** from everything oppressive to man; the **DEVELOPMENT** of man in all his dimensions, personal and communitarian; and, ultimately, the **RENEWAL OF SOCIETY** in all its strata through the interplay of the **GOSPEL TRUTHS** and man's concrete **TOTAL LIFE** (Pope Paul VI, *Evangelii Nuntiandi*, n. 9, 29). **THIS IS OUR TASK. THIS IS OUR MISSION.**

With the help of the Holy Spirit and in communion with one another, we undertake to analyze with sincere objectivity our present Philippine situation in the light of the **GOSPEL**, and therefrom draw principles for reflection, norms of discernment and guidelines for action (*Octogesima Adveniens*, n. 4).

While we are well aware of the vastness and complexity of the situation particularly in matters involving basic human rights and obligations, at the moment we consider the following as more urgent and deserving of **OUR PASTORAL CONCERN**.

**B. PHILIPPINE SITUATION**

**FAMILY LIFE:** We readily appreciate the efforts of the Government to improve the quality of family life. However, we detect a marked tendency to implement this endeavor at the expense of GOD-given rights. Parents are at least indirectly denied the right to determine by themselves the size of their family through socio-economic legislations. Anti-natalist programs are openly promoted with the concerted use of Government resources; employing coercive measures, violating consciences and even destroying the innocence of children under the guise of sexual education. In fact, abortion is fast becoming a practice, gradually losing its criminal character.

**NATIONAL MINORITIES:** People have a right to the integrity and enrichment of their cultures. In this context, we praise the intent of the Government in behalf of the National Minorities. Nevertheless, the otherwise laudable program is defeated by the way it is implemented. We regret in particular the prevention of their growth and development through a false notion of cultural authenticity.

We refer here specifically to the Presidential Arm on Cultural Minorities (PANAMIN). It has been given the special task of protecting and uplifting the various non-Muslim minorities of the nation. But, as we have indicated in a letter of protest to the President, the actual implementation of its programs destroy rather than preserve the cultures of the people PANAMIN works with. And men and women working for the rights and development of cultural minorities precisely as cultural communities have been harassed and intimidated, arrested and jailed. This we strongly deplore and condemn.

**MINDANAO SITUATION:** We recognize the delicate situation obtaining in the Government's effort to solve the centuries-old problem in Mindanao. This compelling desire to have peace in that area has led the present Administration to enter into dialogue with Muslim groups. We pray and hope that these negotiations lead to a happy and just solution.

In our prophetic role, we voice our people's apprehension lest basic human rights be ignored in the attempt to resolve the problems. We stand solidly for the protection of equal rights for all.

**WORKERS FOR EVANGELIZATION:** The final stage in the process of Evangelization is reached when an Evangelized Community becomes an Evangelizing Community. The implantation of a Local Church that is self-reliant, is a sign of that maturing process. In this spirit, Local Churches have consistently prepared their members, both the Clergy and the Laity, precisely to participate actively in the work of Evangelization. The establishment of Basic Christian Communities, whose members are united in one Faith and Hope, and bound together by Love and Service, springs the mandate of Evangelization. And our lay workers are essential in the implementation of this mission. We thank them and give them our pledge of support.

It is most unfortunate that in many cases this evangelizing work of forming and strengthening Basic Christian Communities has been misunderstood, and led to the arrests of foreign missionaries.

Throughout her whole history, the Church has always upheld the right of the State to protect itself against any threat to its existence. This we have never doubted. The Church has likewise upheld the Gospel to all men at all times. This right deriving from the Divine Command has been generally respected by all Nations. Our own Nation bears that salient distinction. But like other God-given rights this right should not be denied in the name of National Security.

**DUE PROCESS:** Times of crisis such as the present one produce tensions that disturb the otherwise harmonious relationship between the Workers of Evangelization and the Guardians of Peace. The missionary work of building Basic Christian Communities is now not frequently suspected of subversion. Sometimes this suspicion may be the work of insidious instigators. At times it may be conjured by exaggerated fears.

Sobriety goodwill and openness of mind can minimize, if not totally prevent this lamentable situation. Our missionaries, specially the foreign ones who come to our shores at the impulse of the Holy Spirit are caught in the dilemma of obeying God in serving man and being suspected of subversion with its untoward consequences, or avoiding such suspicion by giving up altogether their missionary task.

We are searching for that happy understanding where the Workers of Evangelization and the Protectors of National Security can understand and consider one another as promoters of the common welfare. The least we ask therefore is that at all times due process be observed in all cases of arrests and deportations of Workers of Evangelization be they priests, religious or lay workers.

### C. UNITY

We plead that we all raise our minds and hearts to HIM who has called us to be People so that we may resolve our misunderstanding particularly between the Workers of Evangelization and the Guardians of National Security, and start anew the common task of uniting our People for progress and peace. Let us remove the painful irony that while we share common aspirations, we have nevertheless looked at each other with suspicion and mistrust.

To our Co-Workers for Evangelization, we say this: Our evangelizing zeal must spring from true holiness of life, and, as the Second Vatican Council suggests, preaching must in its turn make the preacher grow in holiness.

The Church embraces all men as brothers under the Fatherhood of God. She is not partial to any group. She has a motherly sympathy for the poor and voiceless. She has love for all, no malice towards any one.

Finally we express our profound gratitude to you, the countless men and women and children who kept praying and offering sacrifices for us during our Meeting. The many communications we received assuring us of your prayers that the Spirit of light and truth would enlighten our deliberations expressed not just our solidarity but that vital truth that without HIM we can do nothing, and that when we are gathered in His Name, the God of Truth and Justice will abide in us. These expressed your unity with us. These manifested your deepest concern for our unity. You inspired us. You strengthened us. We sincerely thank you. We put in GOD our trust. We ask for no greater blessing than that the unity signified in these prayers remain a permanent reality.

(Sgd.) All the Members of the Catholic Bishops' Conference of the Philippines (CBCP) in its Meeting in Cebu City — January 25-29, 1977

# C H A N C E R Y

Archdiocese of Cebu  
P. O. Box 52  
Cebu City, Philippines

## DECLARATION OF EXCOMMUNICATION "LATAE SENTENTIAE" OF THE REV. FR. HOMERO S. BONTUYAN

On July 4, 1976, the Rev. Fr. Homero S. Bontuyan, diocesan priest of Cebu, without the necessary dispensation from celibacy from the Holy See, attempted a canonical marriage with Marissa Medalla, before the Rev. Fr. Fernando Yusingco, of the Redemptorist Fathers of Cebu, who without any proper delegation neither from the Local Ordinary nor from the Parish Priest concerned, officiated in the celebration of their marriage.

After the case had been duly investigated, all the "Acta" were sent to the Apostolic Nuncio on October 27, 1976, for transmission to the competent Sacred Congregation in Rome.

The Sacred Congregation for the Doctrine of Faith in its letter Prot. N. 199/76, dated December 22, 1976, addressed to the Apostolic Nuncio and communicated to me by the Apostolic Nuncio in his letter, No. 28803, dated January 7, 1977, has enjoined me as the Local Ordinary of Cebu, "to make a public declaration, in which it is clearly stated that this marriage is null and void and that the contracting priest has incurred in excommunication as provided by the Sacred Canons".

In view of the foregoing and in accordance with canon 2388, paragraph 1, as the Local Ordinary of Cebu, I hereby declare that the marriage of the Rev. Fr. Homero S. Bontuyan with Marissa Medalla is null and void "ab initio."

I further declare that the Rev. Fr. Homero S. Bontuyan has incurred in the excommunication "late sententiae" which is *simpliciter* reserved to the Holy See. According to Canons 2259 and 2280 he is to be deprived of the reception of the Sacraments and Sacramentals, active participation in divine offices as well as ecclesiastical burial, until he repents of this offense, and obtain absolution.

I hereby order that this Declaration be made public, by publishing it in the Boletín Eclesiástico de Filipinas, in the Lungsuranon and in our papers.

Issued this 19th day of January, 1977. in Cebu City.

✠ (Sgd.) JULIO R. CARDINAL ROSALES  
Archbishop of Cebu

By order of the Lord Cardinal:  
(Sgd.) Msgr. PATRICIO H. ALO  
Diocesan Chancellor

# THE SIGNIFICANCE OF MARY IN THE PROBLEM OF CHRISTIAN UNITY

by

Frederick M. Jelly, O.P.

May I begin by sharing a prayerful reflection on the verse, "The Holy Spirit will come over you, and the power of the Most High will overshadow you. For that reason your child will be called holy, and the Son of God". (Luke 1:35). For it seems to sum up what I mainly wish to communicate about the special significance of Mary in the ecumenical movement, namely, that she has a unique influence on us in our quest to meet Christ more intimately. The prayerful reflection: "A forgotten truth: Mary is an opportunity for encountering Christ. Our forefathers seemed to have understood this well and to have expressed it in allusions of race charm. This is surely what they sought to say when they spoke of Mary as 'House of Gold', 'Ark of the Covenant', 'Gateway of the Great King'. They conceived of Mary as the precious container that drew its meaning and beauty from the precious one contained, Christ. Mary is a 'place' for meeting Christ".<sup>1</sup>

In recent years we Roman Catholics have become more and more conscious in our doctrine about Mary and our devotion to her that she is a 'place' for meeting Christ. This is of special significance ecumenically since Christ is the source and summit of all true unity and Mary is the one, as chosen by God, who shows us how to focus our attention in faith upon him most efficaciously. Obviously, the closer we all come to Christ the closer we come together as members of his Body the Church. Also, to look upon Mary as an "opportunity for encountering Christ" marks a rediscovery in our Tradition of a more balanced Marian doctrine and devotion that seems to satisfy many of the valid objections from our separated brethren. At the same time it is a development which theologians are calling a Christocentric and ecclesiotypical

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<sup>1</sup> (*Reflections... path to prayer*, by James Turro. Paramus, N.J.: Paulist Press, 1972. p. 35)

mariology in which Mary is contemplated much more properly in the perspective of her unique relationship with Christ and with us the redeemed members of his one Body.

Briefly I propose to discuss three principal convictions, the second of which will occupy most of our attention: 1) contemporary Roman Catholic teaching on Mary is Christocentric and ecclesiotypical; 2) there are at least six points of ecumenical agreement on Mary which forms a solid basis for further dialogue between the Christian Churches; and, 3) the bi-lateral conversations should be getting into the Marian question in the context of Vatican II's 'hierarchy of truths'.

### **I. Some Characteristics of Contemporary Roman Catholic Teaching about Mary**

Since Vatican II both the magisterial teaching of the Roman Catholic Church and the reflections of her theologians may be characterized as Christcentered and ecclesial with reference to the theology of Mary. The very title of *Lumen Gentium* s. chapter 8, "The Role of the Blessed Virgin Mary, Mother of God, in the Mystery of Christ and the Church", is a definite indication of this trend. The very fact that Our Lady was considered in the context of the mystery of the Church — as the archetype of the Church, the community of the redeemed — is ecumenically significant. It does seem to represent a new direction from that of the '50's when Mary was placed in a kind of isolated role, when her graces and privileges were not adequately related to Christ and ourselves. All too often she was portrayed as though in competition with Christ. Her title, Co-redemptrix, was sometimes interpreted as if she were the co-author of our salvation. In devotion she was frequently admired at a distance and not as true model of our Christian faith, a fellowbeliever, — one also redeemed by Christ. Although, as truly the Mother of God, Mary is a very special member of the Church, she is nonetheless a member of this redeemed community.

These ecclesiotypical and Christocentric characteristics of Marian doctrine and devotion have not developed in a vacuum. They grew along with the biblical and liturgical renewals in our Church as well as with the return to our roots in the great Fathers of the Eastern and Western Church. Now we begin our contemplation of Mary in the mystery of our redemption with the biblical revelation; and certainly this is very much in keeping with the rich traditions of our Orthodox, Anglican and Protestant brothers and sisters. The first chapter of the American Bishops' Pastoral Letter, *Behold Your Mother: Woman of Faith*, is a biblical portrait of Mary. It

shows how the New Testament authors appropriated to Mary several Old Testament themes: Daughter of Zion; the Anawin; the Ark of the Covenant! and, the great tradition of faith from Abraham. The Pastoral Letter indicates how the biblical revelation led, in the early Patristic witness, to the development of the "New Eve" image; how the Church grew in her own self-understanding along with the understanding of Mary as her archtype. The whole being of this woman and of the Church is truly a new creation of the Word and of the Spirit. Mary's total openness to God's Word and Spirit is the perfect example of living completely by faith. This is our life as a Pilgrim Church which is ever called into being by God's Word and our faithful response to His Spirit.

In addition to Chapter 8 of *Lumen Gentium* and to the American Bishops' Pastoral Letter another instance of the Church's official teaching about Mary which has these characteristics is Pope Paul VI's *Marialis Cultus*. This Apostolic Exhortation on the right ordering of devotion to Mary was issued in 1974 and primarily addresses the place of Mary in the Liturgy. The Pope shows how Marian feasts and memorials should only enhance the celebration of Christ's Solemnities and of the mysteries of our redemption proper to the various liturgical seasons of Advent, Christmas, Lent, Easter, Pentecost, etc. She is very much within the Communion of Saints who give glory and praise to the "Lamb" of our salvation. Saint Mary, most especially, helps us focus our attention in faith more directly upon Christ, the unique Mediator between God and us. Devotions to her that might be styled private, personal or paraliturgical are also put into a relationship with the Liturgy, being viewed as preparatory for the celebration of the Eucharist or as ways of applying the fruits and special graces of our Eucharistic Lord much more practically to our daily lives.

To sum up the first section of this paper: the ecumenical significance of contemporary Marian doctrine and devotion in the Roman Catholic Church is manifested in its following characteristics which bring her much closer to other Christian Churches: it is Christocentric and ecclesiotypical; it is biblical patristic and liturgical; and, we may add here, that it is pastoral and spiritual since Mariology is now seen much more in the context of the Church's ministries and mission to share the life

## II. Six Statements of Ecumenical Agreement in the Virgin Mary

During May of 1975 in Rome at the 7th Mariological Congress and the 14th international Marian Congress, theologians from various Christian traditions met informally and unanimously agreed to six propositions, which concern the significance of Mary in the problem



of Christian unity. Among those who signed this unofficial document were one Lutheran, one Reformed, one member of the Swedish National Church, three Orthodox and seven Roman Catholics. At each of the last three international Mariological Congresses in which I have participated (1967 in Lisbon 1971 in Zagreb and 1975 in Rome), there has been a rather significant presence of Orthodox, Anglican and Protestant representatives and a time was always set aside for informal ecumenical conversation about the Marian problem or question. At the Roman Congress, the ecumenical consensus was stated clearly in the form of specific propositions. In this section, I shall identify each proposition and make a few comments regarding its special ecumenical significance.

The first proposition states: "It is an essential dogma of the faith that the man Jesus Christ is the sole mediator between God and men..." Mary is the first-fruits of Christ's redemption. In no way can her role in salvation history be on the same level or of the same order as His. Mary, therefore, in her own role today of interceding and mediating on our behalf does not compete with the unique mediatorship of the Lord. Not even does the Roman Catholic dogma of the Immaculate Conception, rightly interpreted, exempt Mary from the redeeming act of God's love in Christ. In fact, it teaches that she is the most perfectly redeemed. The grace of the Immaculate Conception is often called anticipatory redemption since Mary was preserved from actually incurring any sinfulness only by reason of the foreseen merits of her divine Son's redemptive act. He alone is High Priest by nature. The hypostatic union makes his humanity the humanity of God — God in Person of the Word inseparable from the Father and Holy Spirit. She is a creature totally dependent upon God in her entire being. And, even though preserved free from sin, she was born into a sinful human race and so incurred the debt of original sin. Only by reason of a special grace from Christ's redemptive activity did she not actually incur the guilt. This makes her uniquely but at the same time truly one of the redeemed.

The second proposition of ecumenical agreement states: "God chosen to use his creatures in different degrees as his collaborators in the work of Redemption. Among them the Virgin Mary has an exceptional dignity and role". Her exceptional dignity and role as a collaborator in the work of redemption is totally rooted in her unique relationship with Christ. As uniquely redeemed herself, she has a special role in helping us to appropriate redemption. She is the perfect example of faithfully responding to His redemptive love. Her mediation, far from competing with that of Christ, only enhances His by serving to create the atmosphere of grace in which we are disposed to encounter Christ more intimately in our daily

lives of faith. Mary is not to be imaged as a go-between or a bridge between us and a distant Christ. This obfuscates the most basic truth about the Incarnation namely, that He chose to become one of us in and through Mary and he remains one of us forever in his risen humanity. Please note in this context that when I speak of the dogma of the Immaculate Conception or of Mary's intercessory and mediating role in our redemption today, it is not to assert there is ecumenical agreement concerning them. Rather I am proposing that the Roman Catholic belief regarding them does not necessitate a difference with other Christians on matters more central to our faith.

And so we turn to the third proposition which reads: "Mary was chosen to conceive and bear the Redeemer, who received from his mother the humanity he needed to accomplish his sacrifice on Calvary as victim and High Priest". Mary is the Theotokos, and in a certain sense, when we have affirmed that of her, we have said it all. This Christological dogma from the Council of Ephesus has an ancient tradition. It is held that the invoking of Mary as God-bearer or bringer-forth-of-God dates back to the witness of Hypolytus, c. 21' a.d. Mary is ever the living testimony to the realism of the Incarnation, that in Jesus Christ, God has truly become one of us without ceasing to be God. St. Thomas Aquinas interprets her call to be the Mother of God in a sense that preserves the ontological reality of the hypostatic union from the first instant of the redemptive Incarnation. He teaches that motherhood properly pertains to the woman who has conceived and given birth to a person. The Person conceived and born of the virgin Mary is the Son of God, even though it is in his humanity that he comes forth Mary. Her maternity, therefore, is of the divine Person who became one of us. So firmly does the Angelic Doctor hold to the truth about the Theotokos that he believed to deny it was the same as rejecting the Incarnation. Consequently, this central dogma is crucial to the very heart of our Christian faith.

The fourth proposition of ecumenical agreement states: "The 'fiat' which retains a permanent character, was Mary's free consent to the divine motherhood, and consequently to our salvation". Both Sts. Bernard and Thomas Aquinas speak in dramatic yet realistic terms that, when Mary freely her consent at the annunciation, she was speaking in the name of humanity. Our salvation was hanging in the balance, so to speak, awaiting her consent. This interpretation which seems to be at least implied in the ecumenical proposition gets right to the proper understanding of justification through faith and the question of human merit so much at issue in the Protestant Reformation. I submit in this context that the theological distinction between *gratia operans* and *gratia cooperans*

is helpful in analysing the free consent and permanent character of the "fiat". On the one hand, at the annunciation God's love, as always takes the initiative and the overshadowing of His spirit makes possible whatever Mary does in terms of freely responding to His invitation (*gratia operans*). At the same time, her response is truly intelligent and free (*gratia cooperans*). The fact that she freely cooperates does not make it any less grace or the gratuitous favor of divine love. In a word, God's grace makes it all possible by endowing human freedom with authentic responsiveness but without removing its liberty and responsibility. The "permanent character" of Mary's religious experience in the mystery of the annunciation appears to be based upon her spirituality as one of the Anawim, the poor of Yahweh, one who lives with complete docility to His holy will and utter dependence upon His mighty deeds in salvation history. Whatever may have been her explicit knowledge about the Messiah at the time of the annunciation, it does seem reasonable to assume enough intelligence behind her consent to hold that Mary was saying "yes" to becoming mother of the "Suffering Servant of Yahweh." Thus she begins a spiritual odyssey culminating on Calvary at the foot of the cross, a very special moment in her life of faith.

This brings us to the fifth proposition: "Mary's collaboration showed itself especially when she believed in the Redemption accomplished by her Son, and when she remained at the foot of the cross, while almost all the apostles had fled." Her 'silent fiat' on Calvary, particularly in the context of the fourth Gospel, reveals Mary as the woman of faith par excellence. In the representative personality of the "beloved disciple" Christ on the cross gives us his own mother as our spiritual mother, the model of believing in the fullness of his promises. She accepts as the Father's will for our redemption her Son's suffering and death upon the cross. Mary is revealed as the one whose faith truly overcomes the "world" and leads to eternal life in Christ. (It is beyond the scope of this paper to develop this interpretation in any detail; but both the Cana and Calvary accounts in John's Gospel do seem to provide a sound basis for contemplating Mary as the one who believed most fully in the mission of Christ and so is the model of our faith.

And so the sixth and final proposition would follow: "Prayer of intercession addressed to the Virgin have as their foundation, besides the trust in the Mother of God which the Holy Spirit has inspired among Christian people, the fact that Mary remains forever bound to the work of Redemption, and consequently to its application throughout space and time". Briefly, I should like to comment here that the Acts of the Apostles gives us testimony

to the influence of Mary's presence upon Christ's first followers as they prepared for Pentecost. We too, as the Christians of every generation, are called to persevere with her in prayer for the continuous coming of the risen Lord's Holy Spirit who alone can sustain the New Creation of the Church. Roman Catholic faith in her glorious Assumption is an affirmation of her real personal influence upon our daily lives of faith and fidelity to the Spirit. She has been received into the fullness of our Lord's glory not only for her own sake but for ours. The virginal Theotokos is now our spiritual mother ever wishing to inspire us toward a deeper participation in the life of her divine Son.

### III. Mary's Place in the Ongoing Quest for Christian Unity

In this relatively brief presentation, which is just the beginning of our ecumenical marian conference, I should like to make a few remarks about the future of our dialogue. Although the Marian dogmas of the Immaculate Conception and Assumption do cause considerable difficulty along the way to unity, they cannot be dismissed from any honest ecumenical conversations. They must be considered, however, very much in the context of the "hierarchy of truths" from Vatican II's decree on Ecumenism. They are not believed by Roman Catholics to be revealed truths or Christian mysteries that are primary or central in our faith. This principle puts the revealed truth of Mary as the Virginal Theotokos into proper perspective as an essentially Christological dogma. Even the traditional faith in the realism of her virginity is thus viewed as primarily a witness to the transcendence of her Son who has no human father since only God is his Father. The 'hierarchy of truths' approach also enables us to see the dogmas of the Immaculate Conception and Assumption primarily in a ecclesiotypical setting. They reveal to us the wondrous power of God's redeeming love, the transforming power of his grace in one who responds to his Word so generously in faith. From the beginning of her human existence to the glorification of her total personality, Mary is so completely redeemed by Christ that she never is guilty of sin. As in the case of the rest of us who are redeemed, she is not rescued from a state of alienation and estrangement from God but has ever been in a constant condition of union with Him. God's favor endowed her from the beginning with the friendship of love to which we are all called in Christ. We must ask one another sincerely in the dialogue: does one's acceptance or rejection of these two Marian Dogmas have a necessary connection with the central mysteries of the Christian faith, namely, the triune God revealed in Christ our Redeemer. I submit for our further dialogue my conviction that, if a denial of them is based upon some defect of

faith in the power of God's redeeming love or in the fullness of eternal life, then we must return to inquire more deeply about our mutual beliefs in the central Christian mysteries.

In conclusion, may I suggest that one area of mariology which requires much development, especially among Roman Catholics, is that of the special relationship between Mary and The Holy Spirit. Here we can learn a great deal from our Orthodox brothers and sisters who pneumatology has been much richer than that of the Western Church generally.<sup>2</sup> We must be particularly perceptive to discover just what the Holy Spirit is revealing to us in this woman who is the greatest expression of the New Creation among the redeemed. Through her God speaks to us more clearly about the feminine aspects of his love for each one of us. Of common ecumenical concern is the question of the true liberation for the women of our own times. Rightly interpreted and adapted, the revelation of the Holy Spirit in Mary should provide an invaluable guide in helping our sisters in the Lord to find equality in the Church. In a similar context, both Orthodox and Roman Catholics have much to learn from our Protestant brothers and sisters about contemporary woman's participation in Christian ministry. Dr. Ross Mackenzie offers us some reflections on Mary as a model of true service in the Church in a paper that he gave at the 1975 annual convention of the Mariological Society of America.<sup>3</sup> Finally, may I conclude with the conviction that the great Christian traditions represented here at this first ecumenical conference have much to give and receive in our dialogue about the place of Mary in the cause of true unity.

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<sup>2</sup> (I should like to call your attention to an excellent paper given by Fr. Alexander Schmemmann, an Orthodox theologian, at the 1972 annual convention of the Mariological Society of America: "Our Lady and the Holy Spirit" in *Marian Studies*, Vol. XXIII, 1972, pp. 69-78).

<sup>3</sup> ("Mariology As An Ecumenical Problem", *Marian Studies*, Vol. XXVI, 1975, pp. 204-220).

# THE CATHOLIC CHURCH AND WORLD COUNCIL OF CHURCHES

By

**Basli Meeking**

At the present time the World Council of Churches is still in process of taking up the main emphases given it by its Fifth Assembly at Nairobi in 1975 and incorporating them into its programme.

Chief among them is the concern to enable the member churches to express better the unity between them and to work more earnestly to overcome their divisions. For this reason the Fifth Assembly stressed that all of its programmes must be conceived and implemented in view of the goal of unity which was described as "a truly conciliar ecumenical fellowship of local churches which are themselves truly united". In the 1976 meeting of the Central Committee the General Secretary, Dr. Philip Potter declared that it is the calling of the World Council of Churches to enable the member churches to grow into such a fellowship and that the concern for this must be the mark of all World Council programmes.

As it seeks to continue and intensify its relation of "fraternal solidarity" with the World Council of Churches the Catholic Church, working through the Joint Working Group, which is just now taking up its new programme, is promoting a joint study on the unity of the Church. The study calls for reflection on the nature and extent of the real but imperfect bond of communion between the Catholic Church and the member churches of the World Council of Churches. Equally the study will try to envisage ways which may be taken in the future in order to overcome the divisions which still exist and to prepare for the perfection of this communion. Although all of the work of the Joint Working Group is directly concerned with unity and its completion, this will be the first time it has been possible to take up a joint study between the Catholic Church and the World Council of Churches on the theme of unity in such an explicit fashion. Whether this direct approach will be the most fruitful one remains of course to be seen.

The study is being organized by the World Council's Faith and Order Commission. The work of the Commission also provides a context for the study since it has Catholic membership and there is full Catholic participation in its continuing research on the nature of unity and on the authority of the Church. A significant consideration in the study will be the work done by the Commission on Baptism, Eucharist and Ministry which is at present being assessed critically both by World Council member churches and by some Catholic theological faculties.

Another major topic for the Joint Working Group is that mentioned by the Holy Father in his Apostolic Exhortation, "Evangelii Nuntiandi", para. 77, namely "greater common witness to Christ before the world in the very work of evangelization". This relates immediately to the concern expressed in the World Council Report from Nairobi, "Confessing Christ Today" and to the Faith and Order Commission study, "Giving an Account of the Hope that is in us". Common witness must on the one hand still be limited because the common understanding among the churches as to its content is as yet only partial. But because such a common understanding does already exist in some significant measure, common witness becomes an obligation and indeed already takes place at various levels of Christian living and ecumenical action. The Joint Working Group will seek to help the Catholic Church and the World Council of Churches become more aware of how it is happening, of what it signifies and how it can develop.

\* \* \*

Some of the more striking Christian responses to the ecumenical movement are to be found in the area of development and peace. Here the work of SODEPAX is of special importance. The joint committee of the Pontifical Commission Justice and Peace of the Catholic Church and the World Council of Churches has been mandated for a third term and has initiated a programme entitled, "The Search of a New Society". The programme to be carried out locally, is already awakening an amount of practical interest in various places. At another level it will include during 1977 a colloquium on "The Social Teaching of the Catholic Church and the Thinking on Social Concerns of the World Council of Churches."

A further concern of the World Council in this area is to be expressed in a major study "Towards a Just, Participatory and

Sustainable Society" which will take place over the next three years. The possibilities of some Catholic collaboration in aspects of this are being investigated, since on both sides there is a desire to promote a vision of society that is rooted in the principles of the Christian Gospel.

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The local dimension of ecumenical action is to be the responsibility of a new sub-unit of the World Council with the title "Renewal in Congregational Life". Already in its document of last year "Ecumenical Collaboration at the Regional, National and Local Levels", the Secretariat for Promoting Christian Unity has stated the Catholic responsibility for local ecumenism. An example of this in practice has been the increasing contact which the Secretariat has been able to have with the national councils of churches which have Catholic membership. Along with this there has been the reflection of the Council for the Laity on lay formation at all levels which has been carried out of recent times on an ecumenical basis. In this framework it should be possible to develop contacts and collaboration with the new sub-unit.

During the 1976 Central Committee meeting Dr. Potter described the World Council relation with the Catholic Church as "far more intense than with many member churches". It is envisaged that this can be fruitfully sustained and that signs of the relationship, rooted in the grace of Christ, can be multiplied between the World Council of Churches and the Catholic Church in all places.



# **FREEDOM AND MAGISTERIUM**

by

**Cormac Burke**

**Fr. Burke, a former Irish lawyer, held teaching positions at Maynooth College, Trinity College Dublin, and Catholic University of America. At present, youth guidance and retreat work are his fulltime activities. The following article is taken from Catholic Position Papers, October 1976, published by the Philippine Foundation for Cultural and Educational Development, FGR Building, Buendia Ave., Makati, Metro Manila.**

## **CLEAR BELIEFS**

Fifteen years ago, no more, the Catholic Church appeared to many people as a stronghold of firm faith and clear moral principles in the midst of a drifting and disoriented world. One knew what it meant to be a Catholic: in what things a Catholic believed, and what things he rejected. A Catholic believed in the Blessed Trinity, in the Incarnation, in an infallible Church. He believed in original sin and in the redemption; in the sacraments and the need for prayer. When he went to Mass on Sundays he knew he was attending a sacrifice. He believed in the real presence of our Lord in the blessed sacrament. He knew he could not go to communion if he were in mortal sin, and he had a clear notion of which things were mortal sins, and which were merely venial; he had in short a clear idea of the nature of sin as an offence against God, and of the need to confess one's grave sins. He venerated the Blessed Virgin Mary, and trusted in the intercession of the saints and the angels. He believed that contraception, divorce and abortion were gravely wrong. And he believed ever so many things more.

## **WHERE HAS ALL THE CLEARNESS GONE?**

No one, until recently, ever thought of presenting the way of a follower of Christ as an easy way. Christ certainly did not present it so. But, at least in the Catholic Church, it seemed a clear way. One saw where it went and where it could not go. The steps by which one followed it could at times be difficult steps, but one knew which steps to take. That is how things were, until recently.

Suddenly (so it must seem to many Catholics) everything has changed. This clear way has been plunged into darkness. The clarity and unanimity have disappeared. It is as if one no longer knew — because one is no longer taught — what it means to be a Catholic and what is incompatible with being one. Or rather, if one were to go by certain publications which claim to represent a "Catholic" viewpoint or certain "religious instruction" textbooks published for the use of Catholic schools, or certain sermons, one can say that there is indeed a new idea, a sort of new ideal, of what it means "to be a Catholic." To be a Catholic today means to profess a vague belief in God without any special type of duty towards him, and a general sense of community towards other men. It means to be a follower of a religion whose main demands seem to be formulated on a social level, being directed as often as not towards "structures," and at times taking on a markedly political character.

What do we hear now of those things that were considered fundamental in the formation of a Catholic conscience fifteen years ago? Practically nothing: practically nothing about the worship we owe to God and to the blessed sacrament nor about the obligation to go to Mass, nor about the need for personal prayer, nor of the nature of sin as an offence against God, nor of the need for repentance and purpose of amendment and sacramental confession. The disorientation is particularly striking, well-nigh complete, in the field of sexual conduct. It is a well-known fact, for instance, that students in some "Catholic" schools are being taught that masturbation is not a sin. Nor does one have to go far nowadays to find a priest who maintains that contraception is lawful, and that divorce, and even abortion, should be permitted in certain cases.

What is one to make of this new situation? Above all, in the midst of such confusion, is it possible to find any sure guidelines for our conscience and for our conduct?

### COME OF AGE?

We cannot overlook that fact that some people regard this situation as highly positive. For them, it constitutes a very definite progress, and is proof that we in the Church have at last "come of age" and achieved a real maturity. They applaud this new and fluid situation that they see within the Church as one that favours individual freedom. And their attitude towards questions of faith or moral conduct (which, they say, were formerly subjected to rigid and monolithic rules) is that they should now be left to the free decision of personal conscience.

Now, perhaps the first comment to be made about this attitude is that it is highly ambiguous. In one extreme it may represent nothing new. At the opposite extreme it could be pure heresy. And, in any case, it evidently solves nothing.

If this attitude means no more than what it says — that personal decisions should be freely made by personal conscience — this is indeed to say nothing new. It is simply to say what the Church has always taught. Catholics have always made their decisions personally and freely. If they did not, the decisions would not be theirs, nor could they be considered responsible for them.

If, however, this new attitude means that Catholics have acquired a new maturity in their free moral decisions because they need no longer listen to or follow the teaching of the Church, this is plain heresy. It is the Lutheran heresy of private interpretation applied not only to holy Scripture, but to any and every rule of faith or morality. But it is not just heresy, it is an aberration. Far from representing an advance or a conquest for freedom, it marks a pitiful retrogression.

### **BEING SINCERE IS NOT THE SAME AS BEING RIGHT**

It would help to explain this if we first say a few words about conscience itself, which is that faculty we possess of judging the morality of our actions: their moral goodness or badness. It is obvious that conscience, in making its judgments, must follow certain principles or norms. And it is equally obvious that, if conscience is governed by mistaken principles, its judgments will be mistaken. If someone, in such a situation, acts according to his conscience his conduct will be sincere, but it will also be mistaken (or misguided); and it may well do harm to others.

One could give thousands of examples: a teacher who thinks that racial discrimination is a good thing, a politician who believes in class warfare, a businessman who thinks he is justified in sharp practices, a father (such as Bertrand Russell) who believes that free love is a good thing and educates his children accordingly. Can a person who maintains such viewpoints be sincere? Can he be really following his conscience in professing them? It is possible. We cannot know; only God (and perhaps the person himself) knows. But we do know that such a person is mistaken, and that if he is really following his conscience, his conscience has deceived him.

All of this underlines a self-evident principle (and the fact that some people today deny it, or seem to overlook it, does not make

it any less self-evident): that to be sincere is not always the same as to be right; these are two different concepts that do not necessarily coincide.

### CONSCIENCE IS NOT INFALLIBLE

This brief parenthesis should make it easier to assess the suggestion we are examining: that conscience has reached a new maturity that frees it from any need to look to the Church's teaching for guidance.

This suggestion could pass if we had any guarantee that our conscience is infallible and cannot deceive us. If this were the case, then we could solve any problem of moral conduct without the slightest obligation or need to look for standards of conduct outside ourselves. Our own infallible conscience would be the all-reliable source of these standards.

Does any of us really believe things are so? Does experience not teach us that, far from being infallible, our conscience can go wrong and does in fact frequently and easily go wrong? Given this, then, the attitude of those who maintain that each individual conscience should solve all moral questions on its own (that is, without any reference whatsoever to any type of external guidance or advice or authority) can only be classified as a foolish and empty attitude. It appears as an attitude either of enormous pride — the attitude of those who despite all evidence to the contrary, endow their own conscience with infallibility (precisely with the infallibility that they themselves resolutely deny to the Church), or else of enormous childishness: the attitude of those who, when faced with the evidence, prefer not to think.

Such an attitude, in any event, can only appear as a solution to those who prefer not to be burdened with any genuine moral norm, who do not want to be given any true standard of goodness and badness whereby to govern their actions.

### DECIDING FOR ONESELF

It is really only pride, or a reluctance to think, that can complicate a matter which, when all is said and done, a little common sense shows to be very simple. I think we can make this clear if we suggest a parallel in another area. Let us imagine that two people set out on a trip together and come to a crossroad. One says to the other: "And now, which road should we take?" And the other replies: "Let us decide by ourselves. Let us decide the matter

on our own account, but, whatever we do, do not let us think of looking at that map in the glove compartment, or of asking that policeman. Let us not admit that we are men of such immature and limited personality that we have to look to other people to help us. Let us not undermine our freedom by consulting others. Let us decide the matter by ourselves, in all freedom, exclusively on our own account."

His companion will probably reply, "Surely, you don't mean what you're saying? Of course it's we who are going to decide. That's not the problem. The problem is to know how to make the right decision. Of course I want to exercise my freedom and I mean to do so. But in doing so, I don't want to make a mistake. Look, here we have several roads before us, and I know that only one can lead us to our destination. Therefore it is easy for us to go wrong here; I would like to be certain that in choosing I am not going wrong. What I therefore need right now is more information; then I will feel free to decide. This does not mean that I am prepared to accept information from any source. But it does mean that I will accept it from anyone or anything that deserves my confidence. Those road signs over there; I imagine they are reliable. I doubt they have been put there in order to mislead the drivers. Or that map: my feeling is that it must be the result of a lot of study and experience. Or that policeman; he ought to know where the roads lead to; it's his job; and I doubt that he is going to lie to us. Therefore, I will read the signs, I will look at the map, I will ask the policeman and, according to their directions, I will drive on . . . Do you really think that I have proved myself to be a man of weaker personality or lesser freedom for doing so?"

### KNOWING WHERE THE ROADS LEAD

Similarly, when faced with a moral decision, one is faced with the possibility of making a right decision or a wrong one, of pleasing God or placing obstacles between him and us, of creating a happier human life for ourselves or of ruining that life. In such a situation any thinking person will try to foresee where his choices may take him; he will want information about the consequences of the various possible decisions before him.

To react so, in the face of any problem of personal conduct, is to act both in conscience and intelligently. To act otherwise is the result of pride or stupidity. It is certainly not the result of **thinking**.

Some people today, in the name of freedom, of the personal right of each one to decide freely by himself, seem bent on tearing down all the road signs, on defacing any type of indication culled from the experience of the past. Such "liberalism" seems truly grotesque to me. Nevertheless, it seems to take in quite a few people. Or is it that quite a few people prefer to be taken in by it?

I cannot help feeling that it is a poor service to humanity and to the cause of freedom to cry out to those who stand at the crossroads of moral choice, crossroads now stripped of all signs: "Now you can do what you like". Surely what the vast majority of people like to do at the crossroads is precisely to know where the roads lead to: whether this road, despite its apparent steepness, will lead me to my destination; whether this other road, however attractive it may appear, will not lead me there because it eventually runs out in the sands of the desert.

I know that I can do what I like. But I also know too that there are many things by which I am easily attracted (things that appeal to my ambition or my passions, for instance) but which are incapable of giving me either earthly happiness or that of heaven and are quite capable of destroying my potential for any type of happiness whatsoever.

Therefore the only sensible thing to do at a moral crossroad, is to find out exactly where the various roads go, and so be able to foresee the consequences of what one is about to do or choose. Whence or from whom can we get that more accurate information which we need if we are to make the right choices? From various sources.

### THE RIGHTS OF CONSCIENCE

We can get that information, in part, from our conscience itself, always provided we bear in mind that to listen to one's conscience is a much more demanding process than some people may think. Some of those who appeal to conscience today seem to regard it as a seal of approval that they can, at will, stamp on any action they feel like doing. Conscience is not that; it is not a servile appendix of our selfishness or comfort, a ready Yes-man to our passions or prejudices. It is an imperious voice whose message is often expressed in an implacable No.

We hear a lot today about the rights of conscience. Yet, I feel that we hear little about what seems to me the main right among all conscientious rights: the right of conscience to be taken

to have a keen ear if one is to catch all that conscience is saying, seriously, to be heeded, even when it is saying, No to us. And one needs to have an upright will if one is to follow it.

### EXTERNAL SOURCES OF INFORMATION

At the same time, not all the information that we possess or acquire, in order to judge the goodness or badness of our actions, comes from our conscience. All of that information ought to be in our conscience, but all of it comes from our conscience as from its primary source. It comes from outside. Let us try to explain what we mean.

We have a certain innate sense of moral good and evil, but it is rather rudimentary. Some people, in a similar way, possess a peculiar sense of geographical orientation which undoubtedly helps them at the crossroads, when they have to choose between the several roads before them. If they are sensible, however, they will not rely exclusively on this simple sense of direction (which, in any case, is probably largely based on something exterior; on the position of the sun for instance). If they are sensible, they will act as we suggested earlier on; they will look around to see if there are any signs, or they will buy a map, or consult a traffic policeman. And they will pay heed to the indications that they receive in this way, to the extent they feel these external sources of information are indeed reliable.

At the crossroads of our moral decisions it is only natural that we should act similarly. It is logical that we examine our conscience, to see what it has to turn us. But it is also logical that we should look to see if anyone else besides our conscience, anyone worthy of trust can advise us about those decisions and their possible consequences. If it turns out in the end that no one has anything to say, then we will have to decide the matter on our own, despite the fact that we know our conscience may be mistaken and may be urging us down the wrong path.

### WHEN IT IS GOD WHO SPEAKS

For a Catholic, situation is clear. We are not alone at the crossroads. We have not been left on our own before our decisions. God is with us. He has something to say to us, more or less clearly, at each crossroads, at each moral decision.

It is in fact God himself who wishes to speak to us, from within, in our conscience. That is why conscience is sometimes described as the voice of God speaking inside us. This is alright as far as

it goes. But the very fact that conscience is fallible means that we can misinterpret that voice of God when he tries to speak to us from within.

So conscience is not enough. There must be something else. And this brings us to a point of the greatest importance. The main guide we possess to help us in our moral decisions, speaks to us not from within, but from without. The voice of God has spoken about so many, so very many, moral questions. And that voice has spoken **outside** us, and outside (over and beyond) any simply subjective impressions. It has spoken in the most objective and clearest terms. That voice spoke already in the Old Testament (what are the Ten Commandments but divinely given moral standards) and it has spoken above all in Jesus Christ.

If Jesus is God, he is, as indeed he claimed to be, the very Truth itself,<sup>1</sup> who can neither be mistaken nor lead us astray. When he speaks clearly about some moral question — about divorce, for example: "let man not separate what God has joined together",<sup>2</sup> that absolutely settles the matter for any Christian. It becomes a subject about which there can no longer be the slightest doubt. If God prohibits divorce as contrary to the essential nature of marriage, then all the opinion polls or referendums or parliamentary votes in the world cannot cancel or affect that divine prohibition. Referendums or laws can make divorce, or abortion or euthanasia, legal in ten countries. But there is nothing that can make them moral. When we have God's word about the lawfulness or unlawfulness of something, the contrary votes of men are always votes in the minority.

#### WHEN GOD SEEMS TO HAVE NOTHING TO SAY

There are however, matters about which God seems not to have spoken to us in Scripture. Despite suggestions to the contrary contraception is not one of them, for God handed down the clearest possible sentence in this matter in the case of Onan.<sup>3</sup> But it is not hard to think of other examples such as drug-taking or the problems posed by population growth. Here certainly are two subjects of which no mention seems to be made in Scripture. Does this mean, we ask, that God has nothing to say to us about these matters?

<sup>1</sup> John 14, 6.

<sup>2</sup> Matt. 19, 6.

<sup>3</sup> Cf. Gen. 38, 9.



It is worth noting that this question can be put in two ways or, rather, in two tones. It can be put as if it were the question of someone who reaches a crossroad, looks around, sees (or thinks he sees) no signs, and says to himself: "Hard luck! God apparently has not yet come this way. He has forgotten this crossing. Here he has said nothing. And that leaves me free to do whatever I feel like". Or one can put the same question, but in the tone of voice of someone who, on arriving and seeing no visible directions, asks himself: "But is it possible that there are no signs here? Is it possible that at this crossroad, where I have to make an important decision, God has nothing to say to me, that he is not prepared to help me or guide me?"

This is the tone in which I feel the question should be put. I imagine that, on some occasion or other, we have all felt that Christ's contemporaries had the enormous advantage of being able to consult God himself about their doubts, and of being able to receive his advice directly. It is only natural to feel a sort of envy towards them. Anyone who follows the elementary Christian custom of devoting a few minutes each day to reading Christ's life in the gospels, will feel himself drawn by our Lord's voice with its accent of infinite tenderness, love and encouragement; and sooner or later he is bound to ask himself: "Where is that voice today? Is it possible that it has ceased to sound in this world of ours?" And he will not rest content until he discovers it and can follow it. As one thinks of the apostles in their daily conversation with our Lord, it is only natural to reflect, "How lucky they were!", and perhaps even to pose the question: "Is it not a little bit unfair that we cannot enjoy the same advantage? Has I been our bad luck to have arrived too late or that he should have come too early, for us to be able to hear his voice?"

The answer is that we are not deprived of that privilege. Christ also speaks for us. He also speaks today. He does, so through his Church. When the Church speaks to us in the name of Christ, we have the guarantee that it is the voice of Christ that is speaking to us. He gave us that guarantee when he said to his apostles: "Whoever listens to you, listens to me, and whoever rejects you, rejects me".<sup>4</sup>

It makes sense. The truth of Christ does not vary, but it has to be applied to each new situation. Human nature and destiny are always the same, but each epoch can bring new human situations which have to be focused in the light of salvation.

<sup>4</sup> Luke 10, 16.

In the world of 2,000 years ago the problem posed by demographic growth did not exist; the pill did not exist, nor did so many modern methods of euthanasia or abortion. But God has not permitted that these problems, or others that may arise in the future, should be problems appearing at crossroads devoid of any type of divine directions; problems whose complexity makes us look in anguish to God in the hope that he will tell us how we should deal with them, only to see him turn his back on us and utter a disconcerting "No comment."

No. Our Lord who said "I will be with you always even until the end of the world",<sup>6</sup> has not left us in the dark about these problems. He has spoken, and speaks, about them in all clearness. And he has done so, and continues to do so, in and through his Church.

### **CHRIST CONTINUES TO SPEAK THOUGHT SOME HAVE CEASED TO LISTEN**

But, someone may well object, how can you assert that Christ in his Church speaks clearly to us about contraception or even about divorce or abortion, in a moment when the Church itself seems to be a babel of contradictory voices about these problems? The objection brings us back to the point at which we began our essay.

It is true that many voices are raised in the Church affirming contradictory things about these subjects. But this should not represent the slightest difficulty for a Catholic with a minimum of basic grounding in his faith. This does not mean that Christ has ceased to speak in his Church, that he has somehow lapsed into silence. It simply means, at the worst, that some Christians have ceased to listen to him. Or perhaps what has happened is that they have forgotten where they should turn their ears in order to hear his voice. It could also mean, insofar as there has been a lapse into silence, that it has been on the part of some pastors whose mission and responsibility to be spokesmen for the truth of Christ. But even if this were to occur in some particular case, it should not disconcert a moderately informed Catholic, let alone shake his faith.

It is all a question of knowing where the voice of Christ is to be heard; through which organs he speaks. And this is a simple matter. Christ's voice speaks to us not only in the Gospel, but in

<sup>6</sup> Matt. 28, 20.

the faith of always: in the tradition and teaching that the Church has maintained clearly and constantly throughout the centuries, and in those genuine acts of the Magisterium which, from time to time, give an answer to what is or appears to be a new question.

### CAN THE CHURCH BE MISTAKEN

When the Church as a whole believes some point of faith or morals, it is not possible that the entire Church should be mistaken on that point. Such an error would imply that Christ had not been capable of fulfilling his promises: "Whoever listens to you listens to me",<sup>6</sup> and "The gates of hell (which particularly means the powers of error) will not prevail against my Church".<sup>7</sup> And this is, simply, impossible.

For example, it was not possible (and I am referring to the centuries prior to the definitions of the Council of Trent) that the Church should have been in error about the real presence. It was not possible that Christ should have allowed his followers, during more than a thousand years, to worship idolatrously what was no more than a bit of bread. Similarly it was not possible that the Church, even before the dogmatic definition of 1950, should have been wrong in its belief in the assumption of our Lady.

I would emphasize that these points of Catholic belief enjoyed a guarantee of infallibility even before they had been dogmatically defined. This point needs to be insisted upon in order to challenge the idea that the binding aspect (as some would term it) or the guarantee of the truth (as I would prefer to express it) of a point of faith only arises after a dogmatic definition has been handed down. This is not so. Dogmatic definitions are surely infallible. But they are only given about points of faith that are already believed in. And the only things that they add in regard to these points of faith is a greater precision in the way of expressing them (which makes it really difficult to misinterpret their genuine meaning), and the consequence — for anyone who denies them — of committing formal heresy.

### THE POPE'S MISSION

The popes and ecumenical councils under the popes have been defining points of belief from the earliest times. Practically twenty centuries of dogmatic definitions have in fact made it extremely

<sup>6</sup> Luke 10, 16.

<sup>7</sup> Cf. Matt. 16, 18.

difficult to find a single point of Catholic doctrine whose content is not unmistakably clear. Nevertheless, if an apparently new problem were to turn up and there did not seem to be any clear and unanimous teaching about it, any Catholic would know that one person alone is qualified to clarify the question and pass judgment on it in the name of Christ, for this mission has been entrusted by our Lord to one person alone. And that person is the Pope: "You are Peter, and it is on this rock that I will build my Church . . . I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven.<sup>8</sup> Feed my lambs. Feed my sheep."<sup>9</sup>

The Church has always believed (and 100 years ago the First Vatican Council finally defined it as a divinely revealed dogma) that "The Roman Pontiff, when he speaks *ex cathedra* (that is, when in the fulfillment of his mission as pastor and teacher of all Christians he exercises his supreme apostolic authority to define that some doctrine of faith or morals should be maintained by the whole Church), in virtue of the divine assistance which was promised to him in the person of the blessed apostle Peter, enjoys that infallibility with which the divine Redeemer wished his Church be endowed in the definition of doctrine concerning faith and morals; and therefore the definitions of the Roman Pontiff are irreformable of themselves and not in virtue of the consent of the Church".<sup>10</sup> Furthermore, the Church has always believed that the Pope has full power to govern the Church itself, and that the same respect and obedience are due to his authority as are due to the authority of Christ: "whatever you bind on earth will be bound in heaven".<sup>11</sup>

### HUMANAE VITAE

It would not be surprising if all of this were to make us think of the *Humanae Vitae* controversy. As is well known, some Catholics maintain that since the Pope did not expressly say in the encyclical that he wished to give an infallible definition, its teaching may be fallible and we are therefore free to differ from it. I would make three comments on this viewpoint:

1) The encyclical appears as a solemn act of the Pope's Magisterium. It is addressed to all the faithful. And it sets out to give a judgment on a moral question of the greatest importance for everyday life. In the encyclical the Pope, having weighed up

<sup>8</sup> Matt. 16, 8-19.

<sup>9</sup> John 21, 15-17.

<sup>10</sup> Denz 1859.

<sup>11</sup> Matt. 16, 19.

the apparent arguments which are generally adduced in favor of contraception, says: "We, by virtue of the mandate entrusted to us by Christ, intend to give Our reply to this series of grave questions".<sup>12</sup>

### HUMANAE VITAE SAID NOTHING NEW

2) In any case, what is at stake here is not the red herring issue of whether an encyclical is infallible or not. After all, *Humanae Vitae* said nothing new. It simply reaffirmed the previous teaching of the Church, i.e. what the Church had been teaching for centuries. This can be easily checked up on; it is simply a question of consulting any Catholic textbook of moral theology published before 1960. Not a single one will be found that defends the lawfulness of contraceptives. For hundreds of years, the Church, the whole Church, has been teaching and believing explicitly that contraception is a grave sin. It is simply inconceivable that Christ should have permitted his Church to be in error in this belief, so burdening many people's consciences with a sense of sin where in reality there was no sin. Obviously it is not the value of an encyclical, but the infallibility of the entire Church that is at stake.

What then is to be said about those priests who teach that contraception is licit? What is to be said, and it should be said quite clearly, is that they are teaching contrary to the Church teaching, and that they are, therefore, in error. The mission and responsibility of the ordinary priest as of the ordinary layman, is to follow the Magisterium of the Church; and these priests set themselves up against the Magisterium.

### THOSE WHO DO NOT OBEY

3) I would say, in the last place, that even if someone failed to see how the Church's teaching on contraception is necessarily endowed with infallibility, another motive should alone be sufficient to make him accept this teaching, and that is the motive of discipline. Even if he believed that this is a "reformable" point of Catholic teaching, and was firmly convinced that in time it will be modified he sins if he does not observe it and when it has not in fact been modified when it is still at least, a disciplinary law of the Church.

The Church's laws concerning Sunday Mass Lenten fasting, or priestly celibacy for example, are disciplinary laws. The Church

<sup>12</sup> *Humanae Vitae*, n. 6.

could modify or abolish them. But, as long as it does not do so, they bind in conscience. And if a layman or priest does not observe them on the grounds that he does not see their point, that they do not seem to him suited to our "modern mentality", he sins. The same sin of disobedience is committed by those who fail to observe, or who preach against, the law given by the Church about contraception. However, much they may regard it as a "modifiable" law, for as long as it has not been modified, they sin by breaking a law that is still binding.

Some of those priests who preach the lawfulness of contraceptives may not perhaps be prepared to acknowledge that they are in error; but they cannot deny that they are disobeying in opposition to what God and the Church ask of them, and in opposition also what they themselves solemnly and freely promised at their ordination.<sup>13</sup> Let them recall the words which the Pope addressed to them towards the end of *Humanae Vitae*: "It is your principal duty (We are speaking especially to you who teach moral theology) to expound the Church's teaching with regard to marriage in its entirety and with complete frankness. In the performance of your ministry you must be the first to give an example of that sincere obedience, inward as well as outward, which is due to the Magisterium of the Church".<sup>14</sup>

It is sad that such cases of disobedience should occur. Nevertheless, the disobedience of a priest, however much a motive of scandal for the faithful, is not a sufficient motive to justify their disobedience. If a layman has to choose between trusting in the word or opinion of a priest or a theologian (whoever he may be, and however great his reputation) and trusting in the word and the teaching of the Pope, he well knows whom he should trust and whom Christ wants him to obey.

### THINGS THAT CHRIST CAN ASK OF US

Christ, as we have pointed out continues to speak to us in the times of the apostles; he continues to speak to us in the voice of his Church. And it is as urgent as ever to want to hear his voice and follow his commandments. It ought to be obvious that the voice of Christ can ask us for loyalty and obedience, not only when an *ex cathedra* point of doctrine is at issue... not only in matters of faith or morals... but also in matters of discipline: for example the way in which the sacraments are to be adminis-

<sup>13</sup> Cf. II Vat. Council, decree on Priestly Ministry and Life, no. 15.

<sup>14</sup> *Humanae vitae*, no. 28.

tered or Holy Mass celebrated or heard. There, at least in principle no dogmatic matters may seem to be in question.

Our Lord endowed his Church with power not only to teach but also govern. And his words "whoever listens to you listens to me; and whoever rejects you rejects me"<sup>15</sup> — apply equally to the disciplinary measures or decisions of government taken by the Church. Nevertheless, it seems as if some priests are no longer capable of recognizing Christ's voice in the dispositions of the Holy See. For instance, there is the whole matter of communion in the hand. It is well known that this is licit only when the Holy See has expressly authorized it for a particular country; and yet in certain countries where no such authorization has been granted, priests are to be found who regularly distribute communion in the hand. Similarly, one not infrequently comes across cases of priests who openly ignore recent specific indications of the Holy See. There are those who forget that it is obligatory to follow one of the four approved canons or eucharistic prayers without varying them, that it is specially forbidden to change the words of consecration that the obligation remains of wearing liturgical vestments when saying Mass etc.

In virtue of what principle or of what spirit is one no longer bound to obey the laws of the Church? Certainly not in virtue of the spirit of Christ; nor in virtue of a supposed conciliar spirit, however, much some persons seem to believe (and if they do not believe it, they certainly imply it) that the recent Council gave the green light for any and every type of liturgical innovation. It would be good to remind them that the Council stated, in the most unambiguous terms, that "absolutely no other person, not even a priest, may add, remove, or change anything in the liturgy on his own authority".<sup>16</sup>

If priests do not heed their bishops, or bishops do not heed the Holy See, it is only common sense to suppose that the ordinary faithful will have little inclination to heed their priests. Nothing destroys the prestige of authority so quickly as arbitrariness. And when an authority does not obey the authority that lies above it, it acts arbitrarily. The most curious part of it all is the persistent attempts to justify such arbitrary actions in the name of a supposed "community sense", when their blatantly obvious effect is to rupture the ecclesial unity willed by Christ.

<sup>15</sup> Luke 10, 16.

<sup>16</sup> II Vat. Coun., const. on the Sacred Liturgy, no. 22.

## AN UNMENTIONABLE WORD?

Obedience is a word that no popular preacher (or, rather, no preacher whose concern is to be popular) would dream of mentioning nowadays. Nevertheless, popular or unpopular, it is and will always be a subject or more accurately, a virtue which needs to be emphasized, simply because without obedience we are not going to be saved. Salvation does not depend on having humanitarian or pious sentiments, and still less on having squeezed oneself a place on the latest ecclesiastical bandwagon. Salvation depends on fulfilling the will of God. Our Lord himself has told us so in words that should set us on our guard against possible self-deception: "Not every one who says to me, 'Lord, Lord,' shall enter the kingdom of heaven, but he who does the will of my Father is in heaven . . .".<sup>17</sup>

These words of our Lord could hardly be stronger or clearer: And they simply shoot to pieces many of the "arguments" by which some people today feel they can reduce the demands of Christian living; the argument, for example, with which some Christians feel they have demolished the Third Commandment: "But can't one speak with God anywhere? Then I don't see any need for going to Mass on Sundays." Without going deeper into the matter, it should be enough to reply to these people, reminding them of the passage just quoted from St. Matthew: "You are quite right in saying that one can talk to God anywhere. But that is not the point. The point is that if you talk to God elsewhere (do you?), but do not go to Mass on Sundays you are saying 'Lord, Lord, but you are not fulfilling the will of God. And you will not enter the kingdom of heaven'. And that is the word of the Lord.

Let us emphasize the point. If one wishes to obey God's will, then it is essential to obey those whom he has constituted in authority with the mission to govern his Church. St. Paul also reminds us of this, and his words can scarcely be said to be lacking in force: "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment".<sup>18</sup> In the text, St. Paul is speaking of obedience to legitimate civil authority. His words have evidently much greater force when it is a question of obedience to authority within the Church. He goes on immediately to add a remark that is worth nothing: "Therefore one must be subject, not only to avoid God's

<sup>17</sup> Matt. 7, 21.

<sup>18</sup> Rom. 13, 1-2.



wrath but also for the sake of conscience".<sup>19</sup> Some contemporary Christians, especially those lay people and ecclesiastics who seem to specialize in conscientious objection, would do well to meditate on these last words of the Apostle. He preaches obedience to authority. He insists that it is essential to salvation. But he does not want us to obey out of fear or with a sense of coercion. He wants us to obey precisely out of motives of conscience; because our conscience has understood that it is reasonable and good and noble to obey, and encourages us to do so; and we have listened to our conscience, and have obeyed personally and freely.

### "LOVE MEANS DEEDS"

It is an extraordinary fact, but some people nowadays seem to regard obedience as something that necessarily degrades man and destroys his personality and freedom. They do not seem capable of understanding that a man can obey because he chooses to, because he feels that it is worthwhile placing his possibilities, above all, his mind and his will, at the service of something greater, of someone greater, than his own ego. In a word, they do not understand that a man can obey out of love, because he wants to love another person, and he realizes that the distinctive exercise of love is to want to do the will of the loved one.

The person who does not understand love, as the effective desire to do the will of the loved person, and does not try to exercise it in this way, does not have the slightest idea of what love means. He is an egotist, and will not find happiness either here or hereafter.

"Love means deeds".<sup>20</sup> In the gospel, our Lord time and again asks us for deeds. Let us recall some of his words which tell us that if we want to love him, we must keep his commandments, we must fulfill his will; and that whoever does not fulfill it, whoever does not obey, does not love him. In the first place, he himself sets the example. He tells us that he has not come to do his own will, but the will of his Father.<sup>21</sup> Loving us with deeds, he loved us, in his passion, "to the end,"<sup>22</sup> obeying "unto death,"<sup>23</sup> and despite the repugnance it caused him, he persevered in that voluntary and total obedience: "Not my will but yours be done".<sup>24</sup> He could truly say: "I have given you an example, so that you

<sup>19</sup> *Ibid.*, 5, 5

<sup>20</sup> Cf. Escrivá de Balaguer, *The Way*, no. 933.

<sup>21</sup> Cf. John 6, 38; 5, 30.

<sup>22</sup> John 13, 1.

<sup>23</sup> Phil. 2, 8.

<sup>24</sup> Luke 22, 42

also may do as I have done".<sup>25</sup> But then he insists, and there is not getting away from his insistence: "If you love me, you will keep my commandments".<sup>26</sup> He repeats it: "Whoever has my commandments and keeps them, it is he who loves me".<sup>27</sup> And still again: "If any one loves me, he will keep my word".<sup>28</sup> And once more: "He who does not love does not keep my words".<sup>29</sup>

### RELUCTANCE TO LOVE GOD?

In certain sectors of the Church today there are individuals, or groups of individuals whose attitude is one of constant protest against authority. Has it ever occurred to them that, whatever may at times be said in favour of their protest, one thing can certainly be said against it: that it shows a clear disinclination to love God?

If we are really interested in achieving that principal aim of our Christian existence which is to love God above all things, what are we protesting against? That the Commandments prevent us from loving him? That the Magisterium prevents us from loving him? Far from making it difficult for us to love God, these are the channels through which he himself wants us to prove our love for him. Nothing can stop us loving God if we want to obey him. Therefore, if we want to love him, let us obey. And if we do not obey, then the fact is that we do not want to love him; we do not want to love God above all other things, but rather want to put our love for other things such as our opinions, our sensuality, or our pride, above our love for God.

No one should be surprised if he finds it hard to fulfill a commandment. After all, if it were something simple that we were being asked to fulfill, there would be no need to raise it to the rank of a commandment. Given the weakness of our human nature, it may also be logical that we find it hard to obey authority. But it is Jesus Christ himself who points out that it is precisely there — in the fulfillment of the commandments, in obedience or disobedience towards his Church — that the difference lies between loving him or not loving him.

I think that, in all reverence, we can say that our Lord was never one to beat about the bush. Fence-sitting or nonalignment

<sup>25</sup> John 13, 15.

<sup>26</sup> John 14, 15

<sup>27</sup> John 14, 21.

<sup>28</sup> John 14, 23.

<sup>29</sup> John 14, 24.

postures just don't go down, where he is concerned. "Whoever is not with me, is against me,"<sup>30</sup> may be unpalatable words to some ears, but they are certainly quite clear. After reflecting on them it is easier to grasp the deep truth expressed by that phrase in **The Way** "Jesus: wherever you have passed, no heart remains indifferent. You are either loved or hated".<sup>31</sup>

### TO BE . . . CHRIST'S . . . OR NOT TO BE

One of the descriptions which Jesus applies to himself is that of the Good Shepherd.<sup>32</sup> If we are to judge from St. John's Gospel, it was a description our Lord was particularly fond of. It is not surprising then that the early Christians specially cherished this image of Christ the Good Shepherd. It is also obvious that, as they followed out the gospel parable, they must have had no objection to considering themselves "sheep" of Christ's flock.

It is possible that some Christians nowadays may not be over-enthusiastic at the idea of considering themselves sheep. Nevertheless, since it is a figure that our Lord used on more than one occasion, it looks as if it has to be taken in earnest. This conclusion becomes well-nigh inescapable when we recall that when Jesus describes those who are saved in the Last Judgment:<sup>33</sup> he once again used the term "sheep" and the only alternative classification, in that tremendous moment, is that of a "goat" separated for ever from the vision of God.

Our Lord is not being trite in using the metaphor of the Good Shepherd and the sheep. He is not just being merely poetic either. He wishes to teach us a deep lesson. He wants to reveal consoling truths to us, and ask us for a mature response and a readiness to face up to difficult demands. In narrating the parable, our Lord already anticipates the fact of his death: "the good shepherd lays down his life for his sheep";<sup>34</sup> he indicates the infinite reward which he gives to those who follow him: "my sheep hear my voice . . . and I give them eternal life";<sup>35</sup> but he asks us to recognize his voice and to following him: "the sheep follow him, because they recognize his voice . . . my sheep hear my voice, and follow me".<sup>37</sup>

<sup>30</sup> Matt. 12, 30.

<sup>31</sup> Escrivá de Balaguer, *op. cit.*, no. 687.

<sup>32</sup> John.

<sup>33</sup> Cf. Matt. 25, 33 ff.

<sup>34</sup> John 10, 11.

<sup>35</sup> John 10, 27-28.

<sup>36</sup> John 10, 4.

<sup>37</sup> John 10, 27.

There may be other sheep-like characteristics which our Lord wants us to imitate, but I doubt it. What one cannot doubt, because it is the very essence of the parable, is that he wants us to imitate the sheep's typical docility. To recognize the voice of the Good Shepherd and follow it readily: that is what he asks of us. At times, that can be hard, because human pride is reluctant to be docile. Nevertheless, there will be one further occasion still when our Lord returns to the subject, and maintains the same image in doing so. After the resurrection he confirms Peter, despite his evident defeats, in his position as visible head of his Church. He confirms him as head and shepherd: he tells him three times: "Feed my lambs... Feed my sheep... Feed my sheep..."<sup>38</sup>

Could our Lord give us clearer teachings or guarantees or criteria? "I know mine and mine know me".<sup>39</sup> And he wants the sheep to be able to know that they are his; because, recognizing the voice of the Good Shepherd, they follow it docilely.

Each one of us should ask himself: "And how about me? Have I the right to count myself among those who are his? Do I know, do I recognize, his voice? Do I follow it? Am I able to distinguish where that voice sounds? Do I know who has the mission to echo it here on earth?..."

To be his... To be Christ's, which means to be God's...<sup>40</sup> How terrible it would be to earn that devastating reproach which our Lord addressed to the Pharisees: "He who is of God hears the words of God; the reason why you do not hear them is that you are not of God".<sup>41</sup>

### TO DOUBT THE CHURCH IS TO DOUBT GOD

A Christian is expected to have the elementary capacity to see and hear Christ in the Church, above all in the Pope and in the dispositions of the Holy See. That capacity endows us with a God-given standard of right and wrong, of truth most changing circumstances with certainty, confidence and peace. All of this of course, depends on our faith. But we ought to have this faith; and man's shortcoming should not take it from us. Speaking of those human defects which necessarily appear in the Church, the author of *Christ is Passing By* says that they do not entitle anyone "to judge the Church in a human fashion, without theological faith, simply

<sup>38</sup> Cf. John 21, 15-17.

<sup>39</sup> John 10, 14.

<sup>40</sup> Cf. 1 Cor. 3, 23.

<sup>41</sup> John 8, 47.

letting oneself be impressed by the qualities, or the defects of certain clerics or certain lay people." That would be an over-superficial judgment. It is not the response of men, but the action of God, that matters in the Church; and this is what we should try to see. "For that is the Church: Christ present among us... We can end up by mistrusting men, and each of us is personally obliged to mistrust himself and to add a *mea culpa*, a sincere act of contrition, to the balance sheet of his day. But we have no right to doubt God. And to doubt the Church, to doubt its divine origin or the saving effectiveness of its preaching and its sacraments, is to doubt God himself; it amounts to a refusal to believe fully in the fact of the coming of the Holy Spirit".<sup>42</sup>

### CONSCIENCE AND AUTHORITY

The Church is Christ present among us... It is what we said earlier: Christ has not abandoned us, He is present. He continues speaking to us. He continues being our guide. That is why we also said that the guide's voice, in which we can and should place absolute trust, does not speak to us from within, but from without: Christ speaking to us in the teaching of his Church. This brings us to an important point which needs to be clearly grasped. It is commonplace to draw a vivid contrast between conscience and authority, to present them as so irreconcilably opposed that if conscience cannot avoid the clutches of authority, if it cannot "liberate" itself, then there is no course open to it but to submit, with all that this implies in terms of humiliation, depersonalization, degradation... Now, if this is applied to the authority of the Church understood as the authority of Christ, as the voice of the Good Shepherd, it is false... The teachings of the Church are not imposed on us from outside. We accept them freely. And in accepting them, we make them ours. Just as the driver, who reads and follows the road signs, does not feel that he is having anything imposed on him. Just the contrary: he was looking for guidance, for information. And now he has found it. He takes possession of that information. It is now his. Now he knows which is the right road. And he freely chooses it. It is the same with us and our conscience. The indications given by the Church, i.e. indications guaranteed by Christ, exist outside us. They are objective. But when we listen to them, because we trust them, we make our conscience. They become part of the elements of judgment which go to make up our conscience. It is false therefore in the case of

<sup>42</sup> Escrivá de Balaguer, *Christ is Passing By*, no. 131.

a Catholic, to oppose personal conscience and Church authority. The authority of the Church, the trust that he has in the authority of the Church, is a part of his personal conscience... When we apply all of this to the question of freedom, we see that what happens to a person who incorporates Christ's teaching into his conscience, is paradoxically just the opposite of what so many people seem to imagine. He feels freer (and not less free) in his very conscience; he feels more secure in his actions. He feels liberated from insecurity and error.

### DIVINE COMPETENCE

We could sum this up by saying that it resolves itself into matters of trust and of competence. We tend to trust competent people. We put our trust in persons whom we believe know what they are speaking about and what they practise. We trust a competent doctor when he advises us about our health, or a Nobel Prize winner in physics when he speaks about his speciality. Likewise, we trust the Pope and the Magisterium, when they speak to us about God and the way of salvation, because we believe that they are competent precisely in these fields. They have a competence which comes to them from God. Their competence is divine. And our trust in them should therefore know no limits.

### BELIEVING JOYFULLY

To doubt the Church would mean to doubt God. Similarly, to believe in the Church is to believe in God. And how does a Christian believe in God? Freely; and joyfully. Joyfully, because he knows that God loves us, we can be sure, absolutely sure, that he is leading us forward towards happiness. So it is then, with that same joy and for these same reasons, that we should believe in the Church and follow her teachings. It is worth repeating what we said at the beginning: the Christian way is not always easy, but it is a clear way; and we know that it leads to heaven. If one meets disgruntled Christians today who seem ready to protest about everything, could this not be because they are thinking too much about the demands or the difficulties of Christian living, and not enough about the clearness and sureness of the way and, above all, about where it is going?

# PROTECTION OF SUBJECTIVE RIGHTS AGAINST THE ADMINISTRATIVE ACTS OF THE ORDINARY OF THE PLACE

by

Fr. Leonardo Y. Medroso, J.C.L.

It is the service of positive law to afford effective safeguards for the protection of rights and, where rights have been violated, to extend effective means for their prompt restoration. For, law is a rule of reason. To be such a rule, law has to be based on justice. And justice demands that everyone should have in his possession what is his due.

Within this context, canon 1667 gives provision that every individual right is protected by action, unless another thing is expressly determined. The first clause of the said canon establishes legal action as the ordinary or normal means of safeguarding individual rights against any violation. The succeeding clause excepts some cases from the protection of legal action. The exception, however, does not necessarily mean that a means of protection will not be afforded them. It merely signifies that some cases, due to special circumstances, are placed outside the competence of legal action. Express disposition of law will determine what is to be done in these particular cases.

One of the excepted cases is the case of subjective rights allegedly violated by the administrative acts of the Ordinary of the place. This case is expressly placed by the Codex under the protection of recourse of canon 1601, which says: "Against the decrees of the Ordinaries an appeal or recourse to Sacred Rota is not conceded; but the Sacred Congregations have an exclusive cognizance concerning these kinds of recourses".<sup>91</sup>

However, many questions arise because of this exception. Among them are the following:

1. Why are subjective rights in conflict with administrative acts of the Ordinary not protected by legal action?

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<sup>91</sup> Canon 1601: "Contra Ordinariorum decreta non datur appellatio seu recursus ad Sacram Rotam; sed de eiusmodi recursibus exclusive cognoscunt Sacrae Congregationes."

2. Does recourse offer better opportunity for justice to be rendered to the aggrieved individual than legal action?

3 How effective is recourse in protecting the subjective rights of the individual against the administrative acts?

4. Does the administrative organ in its review of recourse against the acts of the Ordinary render justice to both parties, namely, the petitioner and the respondent?\*

For the sake of clarity it is good to have in mind the following definitions of terms.

1. **Administrative Act.** Administrative act is the actual exercise of an executive power possessed by an authority legitimately constituted with jurisdiction, the purpose of which is to encourage the subjects to observe the prescriptions of law, to prevent, suppress or punish crimes against social order.<sup>92</sup> It usually comes out as decrees, precepts or any other dispositions related to the administrator's executive power. For the present study we take up only the administrative acts of the Ordinary of the place.

2. **Administrative Justice.** Administrative justice is a juridical institution, which is self-contained and autonomous beyond the pale of human contract or agreement, the purpose of which is to know and to resolve, according to the rules of law, controversies or contentions that come up between private individuals and public administrators.<sup>93</sup> It is a body created by law to solve questions of subjective rights of individuals in conflict with an administrative act. It is, therefore, differentiated from arbitration, whose existence depends on the agreement of the contending parties.<sup>94</sup>

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\* Fr. Medroso discusses these questions in an unpublished thesis, "Protection of Subjective Rights Against the Administrative Acts of the Ordinary of the Place", presented at the Faculty of Canon Law, University of Sto. Tomas, February 1974. This article, after the definitions of terms, gives our readers the fifth (last) chapter of the thesis. — Editor.

<sup>92</sup> Ottaviani distinguishes three acts of the executive power, namely: 1) *governmental*, which deals with the rule of persons; 2) *administrative*, which looks after the goods of society; and, 3) *coactive*, which makes use of physical power to attain the end of society. (*Institutiones Iuris Publici Ecclesiastici*, Vol. I., edit. III, Typis Polyglottis Vaticanis, 1947, p. 108) Hence for him the administrative act in the strict sense is only one of the three acts of the executive power. But in a more general acceptance, it is identified with the executive power. In Church's law the Superiors who have executive power are commonly called administrators.

<sup>93</sup> Ignacio Gordon, "De Iustitia Administrativa Ecclesiastica," *Periodica* 61 (1972), p. 278.

<sup>94</sup> Cf. canon 1929.



3. **Recourse and Appeal.**—**Recourse** is a complaint to a proper authority of an injustice or error committed by an administrator in the exercise of his executive power. It is a written reference of one who believes to be aggrieved by an act of his immediate superior to the latter's superior for a review of the case. It is a means of protection of subjective rights against the arbitrary exercise of the administrative power; it is a title by virtue of which the member of society aggrieved by administrative act is guaranteed a review of the case by the higher authority.

**Appeal** is a complaint to a superior court of an injustice or error committed by an inferior court.<sup>65</sup>

Recourse is distinguished from appeal on two counts. First, recourse and appeal can be distinguished by reason of origin of the case. Recourse refers to a case of an injustice or error done by an administrative act; appeal refers to a case of an injustice or error allegedly committed by the judge in strict judicial proceedings. Second, they can be distinguished by reason of the persons to whom they are preferred. Recourse is lodged to a superior administrator for an administrative review of the case, while appeal is forwarded to an ordinary tribunal for a court litigation.

## THE PROTECTION OF RIGHTS AFTER VATICAN II

To be dealt with in the this article is the protection of subjective rights against the acts of the Ordinary of the place after Vatican II. It will study how the Church in the modern world copes with this specific problem and how efficient is her attempt. Related documents of Vatican II will be laid down, the Constitution "*Regimini Ecclesiae Sanctae*" and the "*Normae Speciales*" for carrying out into practice the administrative tribunal established by this Constitution, side by side with the practices of the newly created tribunal and the opinions of some authors will closely studied. Some personal observations, comments and recommendations are then set in order.

### VATICAN II'S CONCEPT OF AUTHORITY

The protection of rights against the administrative acts of the Ordinary of the place is founded on the concept of hierarchy and ultimately of authority. In many civil societies, the executive, legislative and judicial powers are distributed respectively among separate persons, whether physical or moral. This practice occurs

<sup>65</sup> Canon 1879; cf. *Diccionario de Derecho Canonico*, Gerona: Libreria de Grases, 1852.

when civil societies decide eventually that autonomy of powers or the concentration of all the powers in one person lends itself easily to abuse. The distribution of powers among separate persons more or less minimizes such a hazard. The Church, however, has a different outlook in the matter of government. Following faithfully the divine-positive law, she puts a premium on absolute power, the concentration of the executive, legislative and judicial powers, in the hands of the Ordinary of the place. This autonomy is inherent in the office of the Bishop within his jurisdiction. Needless to say, this is a basic doctrine of the Church which finds concrete legal expression in canon 335, & 1.

In Vatican II, several documents touching on the concept of authority and hierarchy are discussed. Studying their ramifications closely is relevant to our treatise as they may confirm practices still sanctioned by the existing Code or may open up new avenues to a better or more efficient protection of subjective rights against the administrative acts of the Ordinary.

Vatican II actually retains the basic concept of hierarchy and authority of the Church, a concept held on to by the Church since her foundation, a doctrine that cannot be changed by her because of its divine origin. But the Council does give it a new perspective,<sup>1</sup> offering a reasonable hope for perfecting the manner of dispensing justice to individuals, safeguarding their rights which might be violated by the administrative acts of the Ordinary.

The following are the salient features of the Vatican II's concept of Church's authority and hierarchy:

1. The Church is the People of God.<sup>2</sup>
2. The People of God consists of the bishops, priests deacons and the laity.<sup>3</sup>
3. A fundamental equality exists among them as all of these are called to the same vocation, same faith, same baptism.<sup>4</sup>

<sup>1</sup> Jose Ma. Tinoko, *Church and Law* (a dissertation presented for Doctoral degree in Canon Law), Rome: May 1973, p. 5.

<sup>2</sup> Dogmatic Constitution on the Church ("*Lumen Gentium*"), n. 9: "This was to be the new People of God. For those who believe in Christ who are reborn not from a perishable but from an imperishable seed through the word of the living God (Pet. 1:23), are finally established as 'a chosen race, a royal priesthood, a holy nation, a purchased people ... who in times past were not a people, but are now the people of God' (1 Pet. 2:9-10)".

<sup>3</sup> *Ibid.*, n. 10.

<sup>4</sup> *Ibid.*, n. 32: "Therefore, the chosen People of God is one: 'one Lord, one faith, one baptism' (Eph. 4:5); sharing a common dignity as members from their regeneration in Christ; having the same filial grace and the same vocation to perfection; possessing in common one salvation, one

4. Some members of the People of God are specially called to an office and thereby endowed to exercise authority over the other members of the Church.<sup>6</sup>

5. This hierarchical authority must be exercised as service.<sup>6</sup>

Consequently, bishops, priests, deacons and the laity form the people of God; they share the same vocation, the same faith, the same baptism. Fundamentally they are equal. That bishops, priests and deacons are given a power and position that set them above the community is also a basic doctrine of Vatican II. But they are and still remain members of that community. The reason for their vocation is not to set them apart from the community, but to make them organic and functional parts of the community, members who have the special task to serve the purpose of the community. An authority has its reason for being in the context of the community. This authority is given, not to all the members of the community, but to some few. But this authority is to be exercised as a service to the community.

All authority is relative to the purpose and function of a society. The community of the People of God purports ultimately to sanctify itself, putting to effective use the elements necessary to further that end. The hierarchy, the group of men given this authority, is primarily geared, by special mandate, to the furtherance of this unique purpose and function of the People of God. In other words, the authority in the Church is not absolute, but relative to its purpose. It has its limitation: the sanctification of the community, that is. Hence, the authority exercised by way of thwarting the sanctification of the community, is not a true authority. It can only be a true authority when it serves the furtherance of the sanctification of the Church.

The act of exercising authority for the sanctification of souls is called service or ministry. The persons exercising this authority

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hope and one undivided charity. There is, therefore in Christ and in the Church no inequality on the basis of race or nationality, social condition or sex, because 'there is neither Jew nor Greek; there is neither bond nor free; there is neither male nor female. For are all one in Christ Jesus' (Gal. 3:28)."

<sup>6</sup> *Ibid.*, n. 32: "And if by the will of Christ some are made teachers, pastors and dispensers of mysteries on behalf of others, yet all share a true equality with regard to the dignity and to the activity common to all the faithful for the building up of the Body of Christ. For the distinction which the Lord made between sacred ministers and the rest of the People of God bears within it a certain union, since pastors and the other faithful are bound to each other by a mutual need."

<sup>6</sup> *Ibid.*, n. 32: "Pastors of the Church, following the example of the Lord, should minister to one another and to the faithful."

are ministers. Vatican II uses another word for ministers, namely, pastors.

The law is one of the necessary instruments for the exercise of authority. What, therefore, can be said of authority, can also be said of law. As authority is founded for the sole purpose of furthering the spiritual good of the community, so is law. Hence, this spiritual good must become a more compelling concern than the maintenance of some prescribed and accustomed procedures and practices of law that may not accrue to this good.

Procedures and formalities effect harmonious interaction based on justice and charity in the community. Or, stating the proposition in relation to our thesis, procedures and formalities of recourse are issued to promote and safeguard, in the most effective way, the subjective rights of the individuals that may be endangered by the exercise of the administrative acts. This statement, again, shows clearly that procedures and formalities of law are not absolute goods in themselves. They are instituted for a purpose. In our case, they are issued to promote and administer to justice. Hence, if these procedures and formalities obstruct the safeguarding of justice or make the process of imparting of justice too lengthy, then, they have to be re-examined.

The administration of justice, as it is one of exercise of authority, is service. The Council Fathers of Vatican II opens a horizon that sets a guideline to the reform of administrative justice. How these doctrines of authority are expressed in a legal language, which in its turn creates a juridical system of administrative justice, will immediately be discussed.

### **RECOURSE AS PROVIDED FOR IN "REGIMINI ECCLESIAE UNIVERSAE"**

First we will discuss the meaning of the provision of the Constitution "*Regimini Ecclesiae Universae*," n. 106 and its implications in our administrative cases. This study will revolve around the nature of the newly created court, its area of competence, the conditions of recourse for its acceptance, its specific subject matters, and the procedures to be followed by the tribunal.

#### **1. The Nature of the Tribunal**

N. 106 of the Constitution reads:

"Per alteram Sectionem Signatura Apostolica contentiones dirimit ortas ex actu potestatis administrativae ecclesasticae, et ad eam, ob interpositam appellationem seu recursum adversus decisionem competentis Dicasterii, delatas, quoties

contendatur actum ipsum legem aliquam violasse. In his casibus videt sive de admissione recursus sive de illegitimitate actus impugnati".<sup>7</sup>

Recent authors are contending on the nature of the Second Section of the Supreme Apostolic Signature Tribunal. Some hold that this tribunal is an ordinary judicial court of justice, a court not independent from the First Section of the Apostolic Signature, but a special department of this court whose sole function is to judge administrative cases involving private rights and public administration.<sup>8</sup> It is a tribunal in the strict sense which, having jurisdictional power, offers a judicial protection to the subjective rights, in conflict with administrative acts. Pushed to a conclusion, the tribunal partakes the same nature as that of the *provocatio ad causam* court or extrajudicial tribunal which had existed before the Codex. Others hold that it is a court separate and independent from the first Section of the Supreme Apostolic Signature. It is not an ordinary tribunal of judgment, but strictly an administrative court.<sup>9</sup> D. Staffa, Cardinal Prefect of the Supreme Apostolic Signature Tribunal explains the Second Section in this way:

"There is no doubt that the Second Section, established by the celebrated Constitution within the Apostolic Signature, is a tribunal.

"For it is the organ, to which the Supreme Authority committed the public office of resolving controversies through the application of the law to particular cases, whose deliberations oblige the parties.

"That it is an administrative tribunal, and not a judicial one, this can be deduced from the fact that, since it is not erected within the First Section, which is a judicial tribunal, it is independent from it; it resolves questions between private individuals and public administration, or between the different parties of the latter, by a process distinct from ordinary judges".<sup>10</sup>

<sup>7</sup> AAS (1967) 59, n. 106.

<sup>8</sup> "Se introducía de este modo, en el ordenamiento canónico, el control judicial de la actividad administrativa: la llamada jurisdicción contencioso-administrativa." (Antonio Delgado, "La Actividad de la Signatura en su Sección Segunda," *Ius Canonicum*, 12, 1972, p. 67)

Coppola, R., "Brevi Note," *Apollinaris*, 44 (1971), p. 403, describes the Second Section as "una sezione speciale di un tribunale ordinario."

<sup>9</sup> P. Moneta, "Il Provvedimento Amministrativo Impugnabile vel Diritto Canonico," *Ephemerides Iuris Canonici*, 27 (1971) p. 76, describes the Second Section Tribunal as "nuevo Tribunale amministrativo."

Ignacio Gordon, "De Iustitia Administrativa Ecclesiastica," *Periodica*, 61 (1972) p. 311, states: "...ex consensu maioris partis canonistarum, videtur thesis de tribunal administrativo in Sectione Altera erecto saltem ut probabilior esse habenda."

<sup>10</sup> "De Supremo Tribunali Administrativo" published by: *Periodica* 61 (1972), p. 21: "Non est dubium quin Secunda Sectio, a memorate Constitutione apud Signaturam Apostolicam instituta, Tribunal sit.

For us, the questions whether it is a special department of the First Section or it is an entirely independent section of the Apostolic Signature is not an important one. What is important to observe is the unanimity of opinions that the Second Section of the Apostolic Signature is an administrative tribunal which protects both the subjective rights of the private section of society and public rights of the administration. Having jurisdictional power independent from the active administration of the Sacred Congregations and of the bishops, it offers better opportunity of giving justice to the individual members of the Church by being impartial in its decision. And being an administrative tribunal, specialized in the matter due to its exclusive handling of administrative cases, it can protect better the public rights of the active administration.

In sum, the Second Section of the Apostolic Signature is an administrative tribunal distinct from the ordinary judicial court and from the active administration of the Sacred Congregations.

### 1. Area of Competence

A priori we can say that the controversies which are to be brought up to the Second Section of the Apostolic Signature, are those which are the object of the recourse as provided for in canon 1601 and before this, the object of extrajudicial recourse. As discussed in Chapter I, the subject matter of recourse and of the extrajudicial recourse are the subjective rights of private individuals allegedly violated by the administrative acts of the Bishops. Hence, the area of competence of the Second Section of the Apostolic Signature is limited to controversies touching on subjective rights in conflict with the administrative acts.

Since, the establishment of the new administrative court and the passage of the "Special Norms" to be followed *ad experimentum*,<sup>11</sup> many cases have already been filed. Among the cases filed are controversies touching the subjective rights of individuals. To cite some of them: about the right of the parish priest allegedly violated by an unjust removal from the parish;<sup>12</sup> about the contract

<sup>11</sup> "Est enim organum, cui Suprema Auctoritas publicum munus commisit dirimendi controversias per legis applicationem ad casus particulares, cuiusque deliberationes obligant partes."

<sup>12</sup> "Quod autem Tribunal administrativum, non iudiciale, sit, ex eo erui potest quod, cum non sit erectum apud Primam Sectionem, quae est Tribunal iudiciale, ab eo distinctum est et id spectat, ut quaestione, inter privatos publicamque administrationem, vel inter diversas huius partes, dirimat, processu distincto a iudiciis ordinariis."

<sup>11</sup> Normae Speciales in Suprema Signaturae Apostolicae" (*ad experimentum servandae*), published by: *Periodica* 59 (1970), pp. 114-165.

<sup>12</sup> "December 6," *Periodica* 69 (1971), pp. 331-333. -

violated by the Bishop, agreed by the Bishop himself and the parish priest;<sup>13</sup> about the rights of the Chapters to certain distributions allegedly violated by the decree of the Bishop.<sup>14</sup>

These cases, as anybody can observe, are cases regarding subjective rights in conflict with public administration. Although some of them are rejected due to some defects, some were accepted for discussion. *A posteriori*, therefore, we can say that the area of competence of the newly erected administrative tribunal includes conflicts between subjective rights of private individuals and the acts of administrator.

And yet, reading through the provision of "*Regimini Ecclesiae Universae*" n. 106, one can see that this administrative court seemed to be erected to look after controversies, not purely of subjective rights and administrative acts, but rather a mixture of controversies, that is, of subjective rights and of legitimacy of the decision of the Dicastery with priority of the latter. The first clause of the Constitution states that the Second Section is established by the Church to resolve controversies arising from the exercise of the ecclesiastical administrative power allegedly violating a certain law, brought up to this court through a recourse against the decision of the competent Dicastery. The second clause of the said Constitution lays down the procedure to be followed in dealing with the cases, that is, by seeing either the admissibility of the recourse or the illegitimacy of the questioned act.<sup>15</sup>

Because of this provision, the questions come out: does the Administrative Tribunal resolves questions purely concerning the legitimacy or illegitimacy of the decision of the competent Dicastery? Or, does it also look after the questions of subjective rights of the individuals allegedly violated by the decision of the Dicastery and the administrative act of the Bishop? Does the word "*contentiones*" of the "*Normae Speciales*", art. 96,<sup>16</sup> mean contentions on the legitimacy of the decision handed down by the Dicastery, or does it include the contentions on subjective rights, the allegedly violated rights? In short, does the Administrative Tribunal merely review the procedures in deciding the case or does it also look after the merit of the case?

The answers to those questions are very important, on three counts. 1) First, they would point out as to the limitation or the area of competency of the Administrative Tribunal. 2) Second, they would determine the kind of procedure the Tribunal has to follow.

<sup>13</sup> "December 7," *ibid.*, pp. 333-337.

<sup>14</sup> "December 8," *ibid.*, pp. 337-340.

<sup>15</sup> *AAS* 59 (1967) n. 106.

<sup>16</sup> *Loc. cit.*, p. 148.

If the Tribunal only looks after the legitimacy or illegitimacy of the decision, then, it is limited to mere administrative review. If the Tribunal also looks after the subjective rights allegedly prejudiced by the administrative act of the Bishop, it may introduce strict judicial litigation in its proceedings. 3) Third, inferior administrative tribunals may be introduced in regions and provinces under the direct supervision of the Supreme Apostolic Signature Tribunal and perhaps to be patterned after this Administrative Tribunal. To know beforehand their competency and way of proceeding with the case is, no doubt, important.

The answers to the proposed questions will be dealt with below, in number 4, when the specific subjective matter of taking cognizance of administrative cases will be treated. In the meantime, we will discuss the series of steps which would lead to a recourse to this Administrative Tribunal.

### 3. Recourse and Its Series of Steps

For recourse against the administrative acts of the Bishop to reach the Administrative Tribunal, a series of steps have to be followed.<sup>17</sup> Actually, two kinds of series of steps can happen in the whole process.

**Type A.** 1) The Bishop, with his power of administration, executes an administrative act. 2) An individual — as for example, a parish priest — thinks himself aggrieved by the administrative act of the Bishop. 3) The aggrieved party makes a recourse to the competent Sacred Congregation, as provided for by canon 1601. 4) The Sacred Congregation makes a decision of the matter, upholding the act of the Bishop. 5) The aggrieved party files his recourse to the Second Section of the Apostolic Signature, against the decision of the Sacred Congregation, because he believes that the decision is prejudicial to him.

In this series of steps, the petitioner is the aggrieved person; the respondent is immediately the Dicastery and perhaps mediately the subject matter is the administrative act of the Bishop sustained by the decision of the Dicastery; and the motive of recourse is the alleged violation of law.

**Type B.** In the fourth step of **Type A**, the Sacred Congregation reverses the act of the Bishop. The latter, feeling himself aggrieved by the decision of the Dicastery, files a recourse against the decision of the Dicastery.

<sup>17</sup> Pablo Manzano, "Problemática del Recurso Contencioso Administrativo en la Iglesia," *Ius Canonicum*, 12 (1972), pp. 183-185.



Here, the petitioner to the Administrative Tribunal is the Bishop; the respondent is the Dicastery; the object is the decision of the Dicastery; the motive is the allegedly violation of law.

Going back to the text of the "Regimini Ecclesiae Universae," it may be asked whether both A and B types or only Type A can be admitted into the Administrative Tribunal. Some argue that only Type A is admissible to the Administrative Tribunal.<sup>18</sup> They did not give reasons to this opinion, but it seems the reason is that the administrative act of the Bishop together with the decision of the Dicastery must be the proper and specific matter of the Second Section Tribunal. Now, the Constitution provides that the motive of the petition should be: "... as often as it may be alleged that the act itself violated a certain law".<sup>19</sup> The Legislator here repeated the word "act" and therefore seems to mean the administrative act of the Bishop. Without this act of the Bishop, the recourse cannot be accepted. Therefore, the Administrative Tribunal can only admit that type of recourse which includes not only the decision of the competent Dicastery, because this is expressly provided for by the Constitution as a *conditio sine qua non* for admittance, but also the administrative act of the bishop, as this is the act that causes the origin of controversy. Now, only type A has this element. Therefore, only type A can be admitted by the Administrative Tribunal.

Others hold the opinion that both types can be admitted by the Administrative Tribunal. The reason is that either the act of the bishop alone or the decision of Dicastery alone or both together can be administrative acts that violate a certain law. Although the administrative act of the bishop alone cannot be a valid motive of recourse to this Tribunal the Constitution is explicit in the necessity of the decision of the Dicastery, the decision of the Dicastery alone, as it is also an administrative act can be admitted in the Administrative Tribunal. Now, type B is such a case. Therefore, types A and B can be admitted in Administrative Tribunal.<sup>20</sup>

For this writer the second opinion is more probable. After all, the Administrative Tribunal is erected to resolve cases involving public administrative and subjective rights of individuals without determining who is going to be the petitioner and who is going to be the respondent.

<sup>18</sup> Ranaudo, "Il Contenzioso Amministrativo Canonico," *Monitor Ecclesiasticus* 93 (1968) 561.

<sup>19</sup> AAS 59 (1967) n. 106.

<sup>20</sup> Ignacio Gordon, "Normae Supremi Tribunalis Signaturae Apostolicae," *Periodica* 59 (1970) p. 102.

#### 4. The Subjective Matter of Review

To the many intriguing questions concerning the subjective matter of review that is, whether the Administrative Tribunal resolves questions that are purely of legitimacy or illegitimacy kind or whether it also judges questions of subjective rights allegedly violated by the administrative act of the Bishop, many diverse opinions have come out.

Some hold that the object of review by the Administrative Tribunal is purely on the question of legitimacy or illegitimacy of the decision. They fuse the two propositions of the Constitution by stating that the Administrative Tribunal resolves controversies arising administrative act which violates a certain law, by seeing whether recourse is to be accepted or the questioned act is to be annulled.<sup>21</sup> It does not look at the merit of the decision, the strict legal right of the contending parties. It only sees whether the decision of the Dicastery is the result of correct procedure, as for example, whether it has competency in the case at hand, or whether the documents have been properly signed. This opinion seems to be confirmed in 1971 by the answers of the doubts addressed to the Pontifical Commission for the Interpretation of the documents of Vatican II. Here are the doubts and the corresponding answers of the commission:

"1. D. — Whether it can be resorted to the Supreme Apostolic Signature Tribunal — Second Section — against the decision of the competent Dicastery as often as the decision from the part of the inferior ecclesiastical authority is wanting.

"R. — Affirmative.

"2. D. — Whether the admission to the discussion should immediately be sent only to the party having interest from the adversary, or also to the competent Dicastery, which gives the questioned decision.

"R. — Negative to the first; affirmative to second; or the admission to discussion must immediately be communicated not only to the party having an interest from the adversary, but also to the competent Dicastery, which gives the questioned decision.

<sup>21</sup> Cf. Gordon, "De Justitia Administrative Ecclesiastica," *Periodica*, 61 (1972) pp. 331-332. He alleged that some authors, as Ranaudo, hold on to this opinion.

"3. D. — What should be the meaning of the clause as often as it is contended that the act itself violated a certain law, as provided for in n. 106 of the Apostolic Constitution of 'Regimini Ecclesiae Universae'.

"R. — For violation of law is meant the error of law either in proceeding or in deciding.

"4. D. — Where in the case of the third doubt, the Supreme Apostolic Signature Tribunal — Second Section — should see only question concerning illegitimacy of the contested act or also concerning the merit of the case.

"R. — Affirmative to the first, negative to the second; or the Supreme Apostolic Signature Tribunal — Second Section — see only question concerning the illegitimacy of the contested act.<sup>22</sup>

From these answers, the opinions that holds to only one object of review, puts up this argument, to give judgment, not only about legitimacy, but also about controversy of subjective right, would be to judge also *de merito*, which is excluded from the competency of the Second Section by the answer of the Commission.<sup>23</sup>

Others, however, opined that the Second Section of the Apostolic Signature Tribunal looks at the case not only on the questions of legitimacy of the decision, but also, if the case may be, on question of subjective rights allegedly violated by the administrative act.<sup>24</sup>

For this writer the second opinion is more feasible. It gives better interpretation of the provision of the Constitution "Regimini Ecclesiae Universae". For, all the word of the law have their own proper signification and should not be deprived of its meaning. Now, when the Constitution states that "it resolves controversies arising from the act of an ecclesiastical administrative power," it would actually not resolve controversies in many instances, if the interpretation of the single object of review is followed. It deprives thereby the provision of its meaning. It is good, if all the case that are brought to this court are decided as favorable to the decision of the Dicastery or that all decisions of the competent Dicastery are always legitimate. It can, however, happen that the

<sup>22</sup> AAS 63 (1971) 329-330, sub II: "I. D. Utrum recurri possit ad Supremum Signaturam Apostolicam Tribunal — Sectionem Alteram — adversus decisionem Competentis Dicastarii, quoties defuerit decisio ex parte auctoritatis ecclesiasticae inferioris. R. Affirmative.

<sup>23</sup> Gordon, *Op. cit.*, p. 332.

<sup>24</sup> *Ibid.*, pp. 332-339.

Tribunal, reviewing the proceedings and legitimacy of the decision of the competent Dicastery, sees the decision to be illegitimate and thereby annuls the decision of the said Dicastery. In this case, the controversy is not resolved, the case remains open, as if restored in "integrum". Or, should the controversy be sent back to the Dicastery to again look after the proceedings of the case? This kind of procedure has no precedence published up to now. Or, should the Administrative Tribunal, after annulling the decision of the competent Dicastery, give instruction to the bishop concerned to revoke his administrative act, as for example, to return the removed priest to his own parish and pay whatever damages he had done through his administrative act? If the Administrative Tribunal does this instruction, then it must have looked after and judged over the subjective rights of the individual and the administrative act of the bishop. Whereas, if we hold on to the opinion of two objects of review, the meaning of the word "resolves" is conserved. Based on this opinion, the Administrative Tribunal first looks after the legitimacy of the decision of the competent Dicastery. Second, if the decision of the Dicastery is annulled, then, it proceeds to the litigation of subjective rights.

It does not mean, of course, that the Administrative Tribunal must resolve all cases brought up to its forum. Actually the magazine, *Periodica*, reproduced many cases rejected by this Tribunal.<sup>25</sup> But the rejection in these cases as due to the fact that these controversies were not within the competence of this Administrative Tribunal. They belong to the First Section of the Supreme Apostolic Signature, although intimately connected with this Second Section. Hence, they were rejected to a disceptation by the Second Section.

In art. 96 of "*Normae Speciales*" the word "contentiones" caused.<sup>26</sup> What does "contentiones" mean? In art. 104, when the "*Normae Speciales*" give the procedure to be followed in the filling of recourse, it used the word "controversiae"<sup>27</sup> instead of "contentiones." Canon 1552, having used the word controversy in judicial litigation, can be used as an analogy to understand the signification of the words "contentiones" or "controversiae" in the administrative process of review. As in judicial litigation, controversy means the act by which the plaintiff and the respondent dispute their rights before the judge, so in administrative process of review "contentiones" or "controversiae" mean the acts by which the petitioner and the respondent dispute the subjective rights allegedly violated by an administrative act before the administrative court. In other words "contentiones" or "controversiae" should not only be limited

<sup>25</sup> 69 (1971), pp. 328-331.

<sup>26</sup> *Normae Speciales*, art. 17, *op. cit.*, p. 148.

<sup>27</sup> *Ibid.*, art. 104, pp. 152-153.

to the dispute on formalities of laws leading to the decision of the Dicastery, but should include the subjective rights themselves. This interpretation is strengthened by art. 99 of the Norms when the "patroni", the persons who stand before the court in the name of the contending parties to defend the latter's cause, are introduced.<sup>28</sup> The introduction of the "patroni" presupposes a dispute on subjective rights and not just disputes on formalities of laws.

Again, this opinion is based on the actual practice of the Administrative Tribunal, when it resolves the question of the Constitution of the common fund of the Chapter and its distribution among the members.<sup>29</sup> In its solution to this case, the Tribunal did not give pronouncement on the nullity of the decision of Dicastery, against which the recourse had been filed, but made a real constitutive judgment. Here is the judgment of the Tribunal:

"The most Eminent Cardinal Fathers, Members of the Supreme Apostolic Signature Tribunal, legitimately assembled in the seat of the same Tribunal, on the 26th of June 1971, to decide the case mentioned above, answered to the proposed doubts:

"To I: The Chapter fund, in the case, is composed of all income, direct or indirect — *supplemento congruae non exclusae* — which come into the Head Chapter and to each individual chapters:

"To II: The Chapter fund thus formed must be distributed equally among all and each individual Chapters, according to the prescription of canon 395 & 1, and the answer of the Sacred Congregation of Counsel of the 10th of July, 1925;

"To III: The common law, the statutes of the Chapter and its practice, must be observed:

"To IV: The processuals expenses and the honorarium of the Patron must be taken from the chapter fund, to which the money has been committed, against the answers to the first and second, retained from the 1st of January 1964, strengthened by legal pact".<sup>30</sup>

Therefore, we safely conclude that the Administrative Tribunal looks at cases not only on the legitimacy of the decision of the Dicastery, but also, if the case calls for it, on subjective rights.

<sup>28</sup> *Normae Speciales*, art. 99, *op. cit.*, p. 150.

<sup>29</sup> *Periodica*, 61 (1972), 185.

<sup>30</sup> *Ibid.* The *Facti species* of the case: "Decreto diei iunii 1969, Episcopus Dioecesis X, ratione habita tum prioris decreti diei 14 augusti 1967 tum litterarum quas Sacra Congregatio pro Clericis die 28 novembris 1968 dedit, normas Capitulo Cathedrali impertiebat circa communis massae capitularis constitutionem eiusque inter membra Capituli distributionem.

The objection that the Pontifical Commission for the Interpretation of the documents of Vatican II explicitly states, in the answers to the proposed doubts, that the Administrative Tribunal does not look at the merit of the controversy, is well answered by Gordon.<sup>82</sup> He said that the fourth doubt was placed in relation to the first doubt. For, the fourth doubt restates the case proposed in the third doubt which in turn is related to the first doubt, namely, the violation-of-law doubt is directed to the decision of the Dicastery doubt; and then it puts down the only doubt whether in this case the Second Section should see only the illegitimacy or also the merit of the case. The proposed doubt, then, was within the area of legitimacy or illegitimacy of the decision of the Dicastery. It has not touched on the area of the subjective rights allegedly violated by the Administrative act of the Bishop. Hence, the answer given by the Commission was directed to the proposed doubt, that is, in the review of the decision of the Dicastery the Second Section does not look at the merit of the case.

"Adversus hoc decretum cononicus D. Filirecursum, a suo Patrono postea completum, die 1 iulii 1969 apud Sectionem Alteram Signaturae Apostolicae interposui.

"Die 7 iulii 1970, in Congressu habito coram E. no Cardinali Praefecto, decretum est: Recursum esse admittendum disceptationem: (cf. *Apollinaris*, 43, 1970), pp. 524-526).

"Termini autem controversias sequentes die 7 octobris definite sunt: 1) Quibusnam retributibus componatur massa capitularis, in casu; (2) quomodo distribuenda sit massa capitularis, firma manent canone 395, & 1, C.I.C., inter capitulares; 3) quodnam in specie emolumentum debeatur, in casu, canonico que munere fungatur etiam parochi, quippe munere quandam accipit retributionem ex Municipio Z; 4) quaenam consecratoria oriantur ex responsionibus ad praecedentia dubia etiam quod attinet ad cause expensas et honoraria patronorum." Cf. *Periodica*, 61 (1972), p. 183. To these questions, the answer of the Second Section of the Apostolic Signature were made:

"E. mi Patres Cardinales, Membra Suprema Tribunalis Signaturae Apostolicae, in sede eiusdem Tribunalis legitime congregati, die 26 iunii 1971, ad decidendam causam de qua supra, propositis dubiis responderunt:

"Ad I: Massa capitularis, in casu, omnibus componitur retributibus, directis et indirectis — supplemento congruae non excluso —, qui Capitulo singulisque eius Capitularibus obveniunt:

"Ad II: Massa capitularis sic efformata distribuenda est aequaliter inter omnes et singulos Capitulares, firmo praescripto canonis 395, & 1 et responsione Sacrae Congregationis Concilii diei 10 iulii a. 1925;

"Ad III: standum esse iuri communi, statutis Capituli nec non eius praxi;

"Ad IV: Processuales expensas et Patronorum honoraria esse solvenda ex massa capitulari, in quam est immittenda pecunia, contra responsa ad nn. primum et secundum, retenta a die I inuarii a. 1964, aucta foenore legali. (*Periodica*, 61 (1972) 185).

<sup>81</sup> Gordon, "De Iustitia Administrativa," *loco cit.*, p. 338.

From the foregoing reasons, we can conclude with probability that the object or subject matter of review of the Second Section of the Apostolic Signature is twofold :

1. Question in the legitimacy of the decision of the competent Dicastery.

2. If the case may have it, the question on the subjective rights allegedly violated by the administrative act of the Bishop.

Accordingly, we can also conclude that the Second Section of the Supreme Apostolic Signature Tribunal resolves the case in two ways, as the case may be, namely:

1. By administrative review.
2. By strict judicial litigation.

### OBSERVATIONS, COMMENTS AND RECOMMENDATIONS

The introduction of the administrative tribunal is no doubt a big stride towards the realization of an efficient way to the safeguarding the subjective rights which may be violated by the administrative acts of the Ordinary of the place. As a tribunal, it can judge a case not only on its processes and formalities, but also on its merits. As a juridical institute of justice, independent from the line of active administration, it stands as a court with qualification of being impartial offering a promise that it is not a respecter of persons, but of rights. To the members of the Church, it gives them a renewed hope that after all the Church is not indifferent, but rather solicitous in finding ways and means most efficient to the protection of their subjective rights. To the administrators, it affords them comfort and relief that here is a court which can help them perceived more keenly whether their acts are right or not.

The administrative tribunal is relatively new; the special norms that should govern its proceedings are yet in the experimental stage (*ad experimentum*). It is, therefore, still in the proceeds of perfecting itself. Comments, criticisms and recommendations about it may yet still be in order.

For one thing, the court is situated in Rome, a place faraway from the many members of the church. Distance, as observed in Chapter 3, is one of the disadvantages of recourse. This, too, is the same disadvantage which this administrative tribunal has to contend with. Many members of the Church would rather forego an injustice done to him or suffer in silence his grievance rather than make a recourse of his case to a far-distant tribunal. The

purpose for which this tribunal is instituted may, in many cases, be foiled due to distance. It is erected to dispense justice to all the members of the Church, but it cannot do so, because of its near inaccessibility to them. It is, therefore, suggested that this tribunal should be established as regional or even provincial courts of justice, patterned after it and placed under its direct surveillance and supervision.

However, this establishment of regional or provincial courts of justice would not solve the problem of inaccessibility, if no amendment is made to the Constitution "*Regimini Ecclesiae Sanctae*". As pointed out clearly, this tribunal has jurisdiction only on administrative cases already decided by the Dicastery. Hence, to approach this court for a redress of grievance, one has first to file his case to the proper Sacred Congregation, which, needless to say, is a far-distant body, being situated in Rome. The problem of near inaccessibility, therefore, still stands.

Two recommendations are possible, namely, 1) to establish regional or even provincial bodies of the Sacred Dicasteries; or 2) to amend the Constitution, that is, to place the administrative cases directly under the jurisdiction of these regional or provincial courts of justice. The first suggestion is, of course, demanding too much. The second suggestion, we believe, is more reasonable. The demand implied by it is much, no doubt. But for justice to have its hand, we believe that the suggestion is not asking too much.



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# THE SECOND INTERNATIONAL CONGRESS OF ECCLESIASTICAL STUDIES

Vatican City, November 23 — December 2, 1976

by

Jesus M. Merino Antolinez, O.P.

The Second International Congress of Ecclesiastical Studies was convened by the Sacred Congregation for the Catholic Education, an organism of the Holy See destined to promote and direct the academic research and scientific teaching of the Christian Faith among the faithful, clergymen or laymen. Those called to take part in it were the Rectors or Presidents of Universities and Institutions of Higher Ecclesiastical Studies and of Faculties of Theology, Philosophy and Canon Law. Some attended in person, others, through their representatives. The Rector of the University of Santo Tomas, Rev. Fr. Leonardo Z. Legaspi, O.P., was represented by Fr. Jesus M. Merino Antolinez, O.P., Professor of Sacred Scriptures of the Faculty of Theology.

**COMPOSITION:** When we met in the big hall of the "Aula del Sínodo", at 9:00 A.M. of November 23, 1976, the Executive President of the Congress, Cardinal Gabriel Ma. Garrone assisted by Msgr. Antonio Javierre, Archbishop-Secretary of the Sacred Congregation for Catholic Education, read an impressive list of delegates. Great names of persons and Institutions resounded. All continents were represented: Europe was very well represented with over 40 delegates; America, North and South, came second with some 20; and Asia with Africa completed the rest of the 92 delegates with the right to vote. Many Institutions, Episcopal Conferences from other different nations, the very Sacred Congregations have observers. Special mention should be made of the "resource persons" designated by the different offices of the Holy See. All in all, over 200 men of learning and academic responsibility filled up the imposing Hall, when the opening prayer, the "Our Father", was recited.

**PROCEDURES:** The procedures were fixed by Msgr. Javierre after Cardinal Garrone had greeted the delegates and pointed out to them the aim of the Congress, which is to assist the Holy Father

and his collaborators in finding out the precise lines for the definitive organization of Higher Ecclesiastical Studies. The Apostolic Constitution, "Deus Scientiarum Dominus", issued by Pius XI in 1931, has to be substituted by another one to be issued now in accordance with the directions of Vatican II and fitted to the needs of our times.

There will be three Commissions formed by the delegates. The I Commission would deal on **THE NATURE OF THE UNIVERSITIES AND FACULTIES OF HIGHER RELIGIOUS STUDIES AND THEIR EXTERNAL PROJECTION**. The II Commission would study **THE INTERNAL CONSTITUTION OF THE FACULTIES AND UNIVERSITIES**. The III Commission would busy itself with **THE INTERNAL FUNCTIONING OF THE FACULTIES AND UNIVERSITIES**. The delegates were requested to feel free to express their views with the most open frankness. The resource persons of the Sacred Congregations were meant to assist in the information available at the Holy See. The Plenary Sessions would afford the opportunity for all the delegates to hear evaluate and modify the work of the Commissions. The organization proved to be most efficient and successful.

One point stressed was that in order to shorten the discussions, the participation of the delegates and of the observers should take the form of interventions and contributions and avoid the debating process. It was not the fear of tempestuous sessions, because from the very first moment, a spirit of real Christian and priestly friendliness was evidenced when the voting delegates almost unanimously accepted the observers as having the right to be chosen officials of the Congress. In fact, several observers were so designated.

As for the language to be used, Latin was the first choice, but Italian became the most frequently spoken, followed by French, Spanish, English and occasionally, German. In the Plenary Sessions there was a simultaneous translation. The three minutes span of time per intervention was strictly observed as well as the submission in written form of the ideas presented.

**THE WORK:** It was strenuous work; the seatings went on from 9:00 to 12:30 in the morning and from 4:00 to 7:00 in the afternoon.

The Congress has been prepared a long time ago. Two years before the opening suggestions were asked from the Institutions and questionnaires were sent; during the previous year, the Sacred Congregation gathered the answers and collected them in four thick volumes of a little over 1,000 pages containing the reports of 167 Institutions aside from the information received from the Universities and Academic units of Rome itself. Since June 1 1976, our delegate has been busy analysing them in Manila.

The three initial Plenary Sessions were dedicated to the abstracts of such materials integrated by three "reporteurs" designated from three Pontifical Universities of Rome.

Fr. D. Dezza, S.J., former President of the Pontifical Gregorian University abstracted the documents for the **Nature and External Projection of the Institutions of Higher Ecclesiastical Studies**. He was particularly intent in pointing out the doctrinal foundations of the academic function within the Church. Msgr. Fr. Biffy, present Rector Magnificus of the Pontifical Lateran University, condensed the answers given by the Academies all over the world on the **Internal Constitution of the Institutions of Higher Ecclesiastical Studies**. His insights on the value of ways and means were extremely practical and outstanding. Fr. Jose Martins, C.M.F., Dean of the Faculty of Theology at the Pontifical Urban University took up the **internal Functioning and Actuation of the Institutions**. His presentation of the formative process in the three degrees, firstly, "Formative I Cycle", secondly, "Specializing II Cycle", and thirdly, "Creative Specialized III Cycle", as well as his dealing with the relations — professor-student, was excellent.

Materials for two documents were to be examined and gathered as a result of the Congress. The main one was the Pontifical Constitution, a legislation by the Holy Father establishing the foundation of academic teaching and researching on the Faith. This would substitute that of Pius XI "Deus Scientiarum Dominus". The second will be the "Ordinationes" of the Sacred Congregation, a set of rules and procedures implementing the laws established and substituting for the former "Ordinationes" of 1931 and the present "Normae Quaedam". Suggestions and interventions were directed towards both documents.

The Commissions' work followed. Each Commission organized itself. Presidents were elected. For the I Commission, it was Fr. Bonné of Louvain (Belguim), later on substituted by Msgr. Poupard, Rector of the "Institute Catholique" of Paris (France) when Fr. Bonné had to leave for Belguim; for the II Commission, Fr. H. Carrier, S.J., President of the Pontifical Gregorian University (Rome); and for the III Commission, Fr. A. Dimaglio, O.F.M., Conventual of the St. Bonaventure's Pontifical Institute (Rome). The members of the Congress were distributed through the Commission according to their choice and the UST delegate joined the I Commission.

The I and II Commissions adopted the reports of the respective "reporteurs" as position papers and examined all the aspects of ecclesiastical academic life. The III Commission dedicated the first two meetings to pick some seventy main points to be brought into discussion. The work was thorough. After the President had

presented one point, interventions poured in, sometimes these were followed by clarifications from the resource persons of the Sacred Congregation. The such frankness and conviction that the honest to goodness truth of the matter shone clear. All the time the Sacred Congregation, even when called to task, showed the broadest and most noble open-mindedness and the delegates responded with a wholehearted dedication to search for the best solutions. Views and ways from all over the world were confronted and evaluated.

The last four Plenary Sessions were dedicated to hearing the reports of each one of the Commissions by the whole Congress and to voting on the conclusions.

**MAIN POINTS DEALT WITH:** As we have hinted the reconsideration of the Ecclesiastical Studies, their formation and their accreditation through the academic degrees were exhaustive, especially for the Faculty of Theology and its specialized branches including Biblical Studies and History of Religions. Other points that were considered were:

1. **The place of Academic Studies in the Divine Mission of the Church.** The pastoral and salvific acceptance of the Word of God was acknowledged as the main function of the Magisterium in all its degrees; but the ministers and pastors, and in modern times, many a layman, need to be acquainted with the exactitude, scientific and proven, of the divine truth. Christ counted on the existence of such "scribes and doctors in the Kingdom of Heaven" and the glorious tradition of scholarship among the Fathers and Doctors of the Church stands for it. Such fundamental consideration was requested to be clearly stated from the very prologue of the future Pontifical Constitution.

2. **Distinction between the Seminary and the Academy.** The Seminary must center its attention on the pastoral formation of the candidates for priesthood, even as the scholarly approach to subjects must be brought to the level of excellence. The Academy must aim at research and specialization so that scientific knowledge of the divine revelation may be attained. The task of Seminaries which are Faculties — the Central Seminary of the University of Santo Tomas with its complete set of Theology, Philosophy and Canon Law is a good example — is a most delicate and important one that shall never yield to lowering of standards or to alienation from pastoral zeal.

3. **The "Nihil Obstat" of the Professors** or the approval of them by the Ecclesiastical authorities, was persistently discussed. A good majority of the delegates voted for its retention. Two requests were stressed: the first, was that it be limited to the highest level

of academic standing, the "Ordinary Professor", perhaps also to all levels of "Professors"; and the second, that the Sacred Congregation make available the standards and considerations deciding the granting or denial of the approval. Another request was, that the Local Hierarchy, Ordinary of the Place, or Episcopal Conference be given a hand in the approval, met some opposition, and it was suggested that a friendly consultation by the academic authorities requesting the approval was in order.

4. **The Academic Freedom in Ecclesiastical Studies** was thoroughly discussed from both the technical and pastoral points of view. Faith, being divine by nature and salvific by purpose, can never be left to hazy hypotheses; certitude and firmness of its acceptance must be inviolable. Yet, reverent and honest research must be allowed and promoted by the pastors. If cases of daring disregarded of the sacredness of Divine Truth occur, a fatherly approach should be most carefully followed. The present writer confesses that he was pleasantly impressed by the spirit of unity and deep faith that pervaded in the exchange of views on the matter. One aim came forward: Serve the Truth of God.

5. **The Cycles and the Corresponding Degrees.** The three Cycles into which the full formation in Ecclesiastical Studies is articulated was unanimously maintained. The I Cycle dedicated to formation in fundamental studies had to be so disposed as to prepare a possible projection to the specialization of the II and III Cycles. The II Cycle was aimed at choosing a peculiar line of research that would provide the training for it, proven in a "directed thesis" and its defense. The question of a "comprehensive examination" and the manner it would be conducted was debated but not concluded. The III Cycle of creative specialized research" proven by a Doctoral Thesis and its defense was suggested to be rendered free from immediate sequence in relation to the II Cycle, from a fixed attendance to lectures, and from a determined number of years. Quality, not routine, should be the aim in view. As for the degrees, the "Bachelor" degree was rejected as unmeaningful nowadays. The I Cycle should be ended by a Licentiate in General Religious Studies; the II Cycle by a Licentiate in the line of Specialization; and the III Cycle by the Doctorate in the selected field.

6. **The Regionalization of the Institutions of Higher Religious Studies** was very much considered and taken up. It means the grouping of the Faculties according to the cultural background and the consequent academic problems common to institutions located in the same region. Such a vast plan was left to further study and determination by the Sacred Congregation.

7. **The relevance and requirement of Latin** for Higher Religious Studies met some oppositions; but the common agreement was that direct contact with the sources of scholarship, as well as the intercommunication of centers of learning needed a common language. Latin served the purpose and it was to be enforced.

8. **The intercommunication between Faculties and Universities** was most earnestly demanded. Common researches and projects, exchange of professors, passing on experiences and information, and living procedures of the kind were suggested to the Sacred Congregation for regularization and encouragement. The planned specialization of the institutions and the availability of them for accepting both professors and students were postulated. Both procedures of "Aggregation" of well-organized and provided institutions and "Affiliation" of those in need of promotion to existing Faculties, under whose authority academic degrees could be conferred, shall continue. It was strongly opposed that such procedures should apply to Institutions that cannot be duly assisted and supervised, like the Seminaries from India affiliated to Roman Institutions, or African to German.

9. **The relations between the Academies and the Hierarchy in Church** should be approached from a positive standpoint. The Academy should be a constant help to the local Churches for the understanding of the life of the Faith and the Hierarchy must take to heart the assistance and promotion of the academic life both within themselves and in the consideration of the faithful and of civil authorities. Problems and conflicts that shall arise must be dealt with in the spirit of two ministers of the same Saviour, Jesus Christ, who aim at His and His Church's service above all.

**PROJECTION OF THE CONGRESS.** It must appear daring to venture a guess at this point. Yet, we feel like foreseeing some happy developments coming from the Congress.

It was requested from and agreed to by the Sacred Congregation to collect, integrate and evaluate the interventions and suggestions made in the Sessions. In fact, an automatic recording air tape was made during Plenary Sessions and most of the speakers submitted in writing the gist of their contributions. An immensely valuable instrument of academic knowhow will therefore be available to the represented institutions because copies could be provided to each one of the delegates upon issuance.

The gathering of men responsible for Higher Ecclesiastical Studies from all over the world and their dealings on the best procedures to be chosen have had a most refreshing effect and created an atmosphere of dedication and scholarship really Catholic,



that transpired and grew up as the Congress went on. Many a delegate deep appreciation for the opportunities given and the inspiration gathered.

The frank exchange of views with the officials of the Sacred Congregation will have a lasting influence in the scholars that took part in the Congress, and above all in the objectivity of the provisions taken in the future legislation.

It was a "new" procedure and a happy initiative.

## RESULTS

It was not ours to redact the future pontifical documents. We have just to prepare the materials, to ponder them, and to suggest the best and most efficient. Yet, the future documents were shaped therein.

Seen from within the Congress, and now at the spring level, the future legislation promises to be a true implementation of the provisions of Vatican II in the Catholic scholarship of future times.

A resplendent vision of divine self-confident hope surrounded the Sessions of the last days. It was clearly seen that in spite of the crisis in Faith so much talked about by a somewhat inimical press, the firmness of honest belief was unshaken. Love and sincere devotion to Jesus Christ and to His Vicar on earth was seen very much alive in every corner of the learned world. A deep and open renewal of service to the truth of God entrusted to the Magisterium and ministry both pastoral and academic, of the Catholic Church blossomed gloriously.

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At 12:30 noon of December 1, 1976, the Holy Father Paul VI, entered the Hall of the Synod and was greeted by a hearty applause. A glow in his eyes spoke of deep emotion; he sat, looked again and again at the cheering audience, worked some seconds to control feelings and warmly spoke — "Grazie! Grazie! Grazie!" (Thank you!). After Cardinal Garrone had given His Holiness a brief report of the work done till the moment the Holy Father spoke extemporaneously. He said that he was filled with the sense of humility in the presence of the intellectuals of the Church greeting him as the Vicar of Christ and Supreme Master of the Church. He tried to elaborate further but one word came out trembling. "Grazie!". He then read a message written down dealing with the place and

mission of scholarship in the Church. He folded the papers and for a few minutes, without any formality and living in full joy of "feeling the flock of Christ" demanded from us the consciousness of the sacred ministry we have in the Church side by side with and as the greatest assistance to the Pastors appointed by Christ. Then he prayed with us to Mary, the Mother of the Word Incarnate and of the Church, and finally imparted the Apostolic Blessing. As a souvenir, he distributed to each of us a copy of a precious little book — "CONCILIO VITAM ALERE" written by Cardinal Felici. While leaving the Hall he looked back again and again at an audience that has brought to life the immortal firmness of the Catholic Faith. There, above all struggles and crisis, Jesus, the Master, reigned supreme.

Another occasion was cherished by the delegates — the Mass of the Holy Spirit, at the opening of the Conference, was a grand concelebration of two Cardinals, ten Bishops and Archbishops and 92 priests at the altar of the Cathedral in the Basilica of St. Peter. The Symbol of Faith and the Come Holy Ghost sung in Latin and in Gregorian melodies, resounded with the voice of centuries, those gone and those to come. Msgr. Antonio Cece, Bishop of Aversa (Italy) in his homily during the Thanksgiving Mass of December 3, concelebrated at the closing of the Congress, talked of that unshakeable Truth always old and always new, always immovable and always throbbing with eternal life.

We made the preceding remarks because in this Congress, as nowhere else, it became evident that academical knowledge is sublime, but the life of Faith makes it heavenly and everlasting.

The best incidents came unexpected. Somebody remarked that an invocation of Mary, the Mother of Wisdom would have given the inaugural Mass its completion. The hint was taken up by the presiding officers, and the evening Session of the first day closed with the Salve of the Pilgrims sung heartily by the most learned men of the Catholic world: "Eja ergo, Advocate nostra... Jesum benedictum frutum ventris tui, nobis... ostende..." The Faith of Christ is alive!

## **“FREEDOM OF INFORMATION IS A BASIC HUMAN RIGHT”**

In an interview on Human Rights Day, Canadian communication expert and Holy See delegate to the UN General Assembly, Professor Andrew Ruzkowski commented on the Holy See's interest in freedom of information, tracing its development in the teachings of Pius XII, John XXIII, and Paul VI, as well as in the Conciliar Decree *Inter Mirifica* on Mass Communication and in the Pastoral Instruction *Communio et Progressio*.

The interest of the Holy See in this topic, according to Professor Ruzkowski, appears as a logical consequence of the Church's care for the personal growth of human beings as individuals. He stated that the moral dimension of such a growth requires both the availability of data and the freedom of choice between data provided by different sources. Furthermore, he added, there is an irony in the fact that some of the people who strongly objected to any kind of data control by the Churches seem now most willing to accept a total control by State authorities.

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In response to a question about freedom of information and Human Rights Day, 1976, the Canadian specialist and director of the Institute of Social Communication at the University of Saint-Paul in Ottawa responded: "Human Rights Day in 1976, as at any other date, for that matter, would be a grotesque farce, if it would not stress a fundamental right absolutely necessary for any practical enforcement of other human rights. Originally, the concept of freedom of information was related to freedom of the press and sometimes identified with freedom of individual expression or misused to justify abuses by unscrupulous publishers. In our time, we understand by right of information not only the right to freely

express opinions and communicate data, but also, indeed, most of all, the right to gather information from various sources. In the Church's view, this right creates also, on the part of each individual person, a corresponding duty to seek information according to his or her position in society. Only the knowledge resulting from such information can make it possible for each one to fully enjoy the specific human rights that society is supposed to respect, as well as to make a positive contribution to the body politic."

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Professor Ruzkowski was asked for the reason for his personal interest in the topic. He indicated that he had been influenced by a discussion about determinism and free will by the Belgian Canon Jacques Leclerc who specifies several conditions necessary for the use of free will. Ruzkowski concluded that information about existing alternatives is a basic condition for free acts. He believes that information about alternatives is an absolute must if the "human-being aspires to act morally or as a Christian would say, to respond to God's will." His position is that freedom of information is a corner stone for the whole structure of human rights.

# HOMILETICS

by

Bernard J. LeFrois, S.V.D.

## I. BIBLICAL NOTES FOR MARCH

### SECOND SUNDAY IN LENT

(March 6, 1977)

**First Reading:** Genesis 15: 5-12. 17-18

**Second Reading:** Philippians 3: 17 to 4: 1 (or 3: 20 to 4: 1)

**Gospel Reading:** Luke 9: 28-36

**First Reading:** A promise of innumerable progeny made by God to Abraham, when he was old and childless, demanded great faith from the patriarch, but his willing response met the challenge. Because of this, God accounts him as just and pleasing to him (which later theology would call "justified by sanctifying grace" or simply "being in God's friendship"). A second promise to give him the land of Canaan is guaranteed by a covenant oath within an ancient covenant rite. Ritually mature animals (three years old) were cut in two and placed on opposite heaps. The covenant participants passed through the midst, thus symbolizing their acceptance of the same fate should they prove unfaithful to the sworn covenant. (See Jer. 34:18). The fading light, the trance and the total darkness all heighten the solemnity of the occasion.

Abraham drove off the vultures, relying fully on God's word. Fire and the burning torch symbolize the transcendent Lord, as often in the Scriptures (Ex. 3:2; 13:21; 19:18). The Great River is the Euphrates to the East, and the Wadi (brook) of Egypt to the West marks the confines between Egypt and Canaan. Observe how God accommodates himself to man's customs and rites in dealing with him. This mighty act of God was Abraham's beacon light in the trials that were to test him later on.

**Gospel Reading:** This brilliant theophany, or manifestation of the divine in Jesus, follows upon the conditions for true discipleship (vv.23ff), which are demanding and all-embracing. Thus it is in-

tended as an encouragement in the dark days to come. What the three disciples experienced was very difficult to describe (as is every mystical contact with the divine) and so comparisons are made to clarify it. Here it is being compared to the theophany on Mount Sinai of which the transfiguration is the counterpart. There, in another theophany, the Law and the Covenant came about through Moses; on the same Mount (Horeb) Elijah sought to renew the Covenant for his wayward people (1 Kgs. 19: 9ff). But now both Law and the Prophets give way to Jesus, who by his passion and death (his passage or exodus) becomes God's Covenant with men in person. From now on it is Jesus to whom all must listen, for he is the perfect manifestation of the Father's will (law), and the very Word of God speaking in the name of the Invisible God.

Peter wishes to prolong the experience but after the theophany has passed (cloud, voice, brilliance) Jesus appears again as usual, to make them realize that only through labor and suffering will the glory be obtained. "Eight days" (instead of six in Mt. and Mk.) is Luke's liturgical reflection, the octave number marking the climax of an event. (See also Bol. Ecl., Jan. 1976, p. 87).

**Second Reading:** Paul is convinced that he is presenting Christ correctly, so he can ask his converts to follow his example securely. Neither those who demand Jewish obsolete rules for food or body (circumcision), nor permissive persons who give full reign to their cravings, are true disciples of the crucified Christ. They only end in frustration. True disciples live with Christ in a spiritual realm, waiting for full redemption and complete transformation from this lowly state into the splendor of the glorified Christ. Paul begs them in an impassioned appeal to remain true disciples of Christ.

### THIRD SUNDAY IN LENT (March 13, 1977)

**First Reading:** Exodus 3: 1-8, 13-15

**Second Reading:** First Corinthians 10: 1-6, 10-12

**Gospel Reading:** Luke 13: 1-9

**First Reading:** Tending sheep has made the self-confident Moses (Ex. 2:12), trained in all the learning of the Egyptians, into a humble shepherd Israel, his flock. "Mountain of God" is so named because who need just such care. Such a one God wanted for a leader to shepherd Israel, his flock. "Mountain of God" is so named because of the later events transpiring there. In a theophany, or divine manifestation, God makes himself known to Moses whom

he calls to deliver the offspring of Abraham. "Angel of the Lord" is the visible appearance in which God revealed himself, or the messenger he sends. The phrase fluctuates between both (see Gen. 16:17; Ex. 15: 19; Jdg. 6:11.14). Fire symbolizes the transcendent God whose sanctity is such that one dare not approach unprepared. Aware of God's presence, Moses dares not look further, because it was common conviction that no one could see God and live (Ex. 32:30).

The Lord comes as Savior to deliver Abraham's offspring from their present miserable condition, and as Leader and Guide to the land of Promise. Moses is chosen to represent him. On this occasion, God reveals his name as "Yahweh" (given in English bibles as "the Lord"). He is the God who promised their forefathers the twofold blessing of progeny and land (Gen. 15:1-7). Israel is this progeny and Yahweh is thus also Israel's God. The meaning of the name (Yahweh) in v.14 could well be the sacred writer's explanation of it, when writing at a date later than the events happened. Though in its root form it seems to refer to the One-Who-Brings-All-Things-Into-Existence, the popular interpretation, often connected with an event, would be the meaning by which Israel came to know him, namely, a Saving God, who cared for them and delivered them in the events of the Exodus. (See Bol. Ecl., Oct. 1976, p. 755)

**Gospel Reading:** The first incident is known only from this passage, but history knows Pilate to be ruthless at times. Jesus makes it clear that the calamities are not punishment due to the sins of the individuals. Yet both calamities are God's providential warning to Israel as a nation, and a call to sincere repentance before it is too late. Otherwise chastisement will be meted out severely (Jerusalem's destruction was forty years later).

Bearing out the same lesson is the little parable of the fig tree. In three years fig trees should bear fruit, else they are cut down and used as firewood. So the time for Israel's conversion is running out. Before the final decision, one last chance is given. In Jer. 8:13, the barren fig tree stands for unrepentant Israel. Perhaps the Lord had in mind his three years of public ministry. Note how throughout there is real urgency of immediate repentance before it is too late.

**Second Reading:** Much can be learned from this passage how the Holy Spirit prefigured the new People of God in the events of the Old Covenant. Paul mentions those which especially prefigure Christian baptism and the eucharist. His lesson however is very grave: Despite the fact that those of old received God's wonderful favors, most of them were not pleasing to him, and were meted out dire chastisements. The conclusion is clear: Receiving Christian

baptism and the eucharist must be followed up by holiness of life: renunciation of evil desires (v. 6), submission to God's will (v. 10) and vigilant prayer (v. 12).

Divine Providence is symbolized by the cloud that covered them and protected them (Ps. 105: 39). "Baptized into Moses" refers to their allegiance to him as Deliverer from bondage and Leader to the land of Promise. The manna and the water from the rock are called "spiritual" because they were intended by the Spirit to prefigure greater things (namely the Eucharist and the Living Water, which is the Spirit who is Christ's Gift). Paul need not be referring to the legendary rock which was said to have followed Israel all through the desert. Christ himself is the rock, who as Divine Wisdom was already with the People of the Old Covenant, nourishing them (Wisd. 11: 4 and 10: 21). This he does now by his own Body and Blood, and by imparting the Spirit.

#### FOURTH SUNDAY IN LENT

(March 20, 1977)

**First Reading:** Joshua 5: 9a, 10-12

**Second Reading:** Second Corinthians 5: 17-21

**Gospel Reading:** Luke 15: 1-3, 11-32

**First Reading:** Israel celebrates the Passover in the land promised her by her forefathers, in deepest gratitude for the favors of Divine Providence who brought them through all the dangers of their wandering into their future home. "Reproach of Egypt" seems best to refer to the humiliating state of slavery under Egyptian bondage, called a reproach in the sense of disgrace. After celebrating the Passover, the manna which is the symbol of desert wandering as it was ceased, and they thereafter ate of the produce of the land as a settled people. The Christian Passover-lamb is Christ who offers himself in thanksgiving for his brothers; (eucharist means thanksgiving).

**Gospel Reading:** The parable consists of three scenes:

1. **At home:** Unappreciative of his father's goodness and the abundance of his father's house, the younger son demands his share of the inheritance. He wants to be on his own, away from parental vigilance, away from all restraint. Without a word, his father gives him his share. Gaily and thoughtlessly the lad turns his possessions into ready money and goes off for a good time. He is unconcerned over the father's silent grief, and tries to forget home as soon as possible. At last he is "free".



**2. In a far off country:**

a. High life: Now he is really "going to town": carefree, reckless living, no curfew; food, drink, pleasure in abundance, friends aplenty. But unexpectedly a famine hits the land, just when he had squandered all his goods. His gay friends abandon him (who were no friends to begin with) and he is alone.

b. Brought low: Alone and in want; prices have sky-rocketed. Yet he is still too proud to admit defeat; he will work for a living. But the only job offered him is feeding pigs (utterly contemptible for a Jew!). Pangs of hunger now drive him to eat the very husks given to the swine, for no gives him anything to eat. (These husks have an insipid taste and only in extreme need are eaten by man).

c. Repentant: Reduced to extreme necessity and in utter loneliness, the lad comes to his senses. What a fool he has been! His father was always so good to him. The servants are well clothed and have plenty to eat, and he the son is in such misery. Could he not go back? But he has deeply grieved his father. He has squandered his inheritance and has no right back home anymore. Yet his father's goodness keeps appealing to him. Would he give him another chance? He will do anything to be taken back, willing even to be a mere servant on his father's farm. Yes! He will go back, admit his offense, beg his father to forgive him.

**3. The return:**

a. His father: Always remembering his wayward son, he is constantly on the lookout for him. When at last he returns, he does not wait for him to come and beg pardon, but hastens out to meet him, embraces him with great warmth and fatherly love. There are no bitter words of reproach for he understands what his son has suffered. The long separation is over. Reconciliation is at hand. He interrupts the acknowledgement of wrong-doing, forgives, forgets, and calls for general rejoicing. He treats him not as a servant but as his very dear son and orders the best to be brought for him.

b. The repentant son: Amazed beyond words, he now realizes the depth and the breadth of the merciful love of his father. He is reinstated! What joy and gratitude must be his! What resolve to do his father's will in the future!

c. The older brother: In place of brotherly affection and joy on seeing his lost brother, he displays anger, jealousy and disdain. He accuses his father of injustice and folly. But the father quietly remonstrates that the elder son would in time inherit all he

possesses, yet true fatherly love prompts him to act thus toward one who had always remained his son. He can appreciate humiliation and the courage it took to return and admit his mistake.

No word of explanation was necessary on the part of Christ or the Evangelist to draw out the lesson of the parable which is meaningful in the extreme. Jesus could hardly have depicted more vividly the infinite mercy of God and his eagerness to forgive the repentant sinner, no matter how great and manifold the offenses, provided he repents and returns to God. God, the Father of mercies, knows what true repentance costs. God's love for man never changes. The self-righteous, whose attitude toward repentant sinners is otherwise than that of the compassionate father, are terribly wrong. They do not reflect the divine mind. Perhaps in the first level of interpretation, Jesus may have had in mind the sinners and the pagans over against self-righteous Israel.

**Second Reading:** Reconciliation with the Father through his Son Jesus Christ is the thrust of this passage. God himself brings it about through the sufferings and death of Jesus. In baptism, sinful man dies and is buried with Christ, and rises to new life. He becomes a transformed new creature. Now the center of his life is Christ, not Law nor human aims. To accomplish man's reconciliation, God made his own Son a sin-offering (the term used for such in the Old Testament liturgy), burdened with all the sins of men (Is. 53: 10). He becomes sin personified, so to say, though he himself is sinless. This magnificent work of divine love is what constitutes the main message of Paul who is God's ambassador to the world, endeavoring to make all men share in Christ's work to bring man back to God by means of the death and resurrection of his Son.

## FIFTH SUNDAY IN LENT

(March 27, 1977)

**First Reading:** Isaiah 43: 16-21

**Second Reading:** Philippians 3: 8-14

**Gospel Reading:** John 8: 1-11

**First Reading:** Brooding over a glorious past in the midst of exile does no good. Let the People of God look up and ahead. God takes the initiative. Exile comes to an end. He will deliver his People and lead them forth like in the Exodus and deliverance of old, when the armies of Egypt lay prostrate, overcome by a mighty act of God.

He will care for their needs as he did then for his People, and they will resound his praise.

**Gospel Reading:** Another trap of the leaders in Israel to find matter for condemning Jesus. An adulterous wife (which is here presumed) was punishable by death (Lev. 20:10). If Jesus decides for mercy, he will be accused of acting against the Law. If for death, the Romans could take it as an abuse of their authority, for only Rome could inflict the death penalty (Jn. 18:32). Jesus does neither. He felt great compassion for this sinful woman, thrust so shamelessly before the eyes of all.

Displaying sheer lack of interest in the disgusting procedure, Jesus bends down silently tracing something on the dust of the Temple grounds. (It is futile to surmise if he wrote words, and what words. Surely he does not reveal the hidden sins of his opponents! Most likely he merely traced on the ground). Finally he lifted his head and shot his response at them: Let the one whose conscience does not accuse him of any sin be the first to throw a stone. Caught by surprise by this remarkable show of fairness, they ashamedly slink away. The woman could also have easily done so while Jesus bent down a second time. That she remained, silently awaiting his answer, convinced him of her sincere compunction, and he manifests great love and mercy toward her. No laborious penance is imposed. One word he tells her: Avoid this sin in the future. He condemns the sin, but has mercy on the sinner.

**Second Reading:** Before his conversion, Paul's ideal of holiness was to know every last detail of the Law and endeavor to carry them out flawlessly (an ideal unattainable to man left to himself). Now his whole effort centers on Christ's Person, God's great Sacrament of divine holiness; his whole effort is to acquire the deepest possible knowledge of Christ, to share his sufferings and death, and thus to share in the power of his resurrection. God alone makes man holy. Paul now considers his former knowledge and efforts a lot of rubbish (literally, dung).

Full participation in Christ is a life-long task. Although Christ has truly taken hold of Paul, drawing him like a magnet, Paul forges ahead to full participation in Christ, like an athlete races toward the finishing line. Having won the race, the reward is the very glory of Christ.

## BIBLICAL NOTES FOR APRIL

### PALM SUNDAY OF THE LORD'S PASSION

(April 3, 1977)

**First Reading:** Isaiah 50:4-7

**Second Reading:** Philippians 2:6-11

**Gospel Reading:** The Passion acc. to Luke 22:14 to 23:56  
(or: 23:1-49)

**First Reading:** This is the third of the "Servant of Yahweh" songs. The Servant knows how to counsel and compassionate weary wayfarers, for he faithfully listens to God speaking to him. He has been called to suffer much for his people, and he meekly accepts it all, both insult (plucking one's beard) and maltreatment. But his whole trust is in God who will eventually vindicate him.

**Gospel Reading:** In his passion account, Luke continues to depict the universal love of the Savior toward all classes of men. Several scenes are peculiar to the third gospel: the bloody sweat, the cure of the servant whose ear Peter cut off, Jesus before Herod, the weeping women of Jerusalem, the first word of Jesus on the cross, the promise for the repentant thief.

**Second Reading:** A deeply theological hymn of superb beauty and depth, either composed by Paul himself or taken from an early Christian repertoire and inserted here by Paul as a trump-card to bring home his point of self-effacement mentioned in vv. 3-4, the motivation for which is none other than the stupendous example of the Son of God in his grandiose act of self-abasement as Servant of Yahweh. The hymn consists of two strophes, vv. 6-8 giving the downward movement from the heights of divinity to the humiliation of death on the cross, and vv. 9-11 giving the upward movement from the depths of death on the cross to the heights of divinity, with the Sacred Humanity now included. The symmetry is inescapable. It is also a good example of Semitic "inclusion", v. 6 and v. 11 being the two end-terms.

In becoming man, Jesus did not grasp at or insist on the divine honors and protocol which were his by right, but "emptied" himself of them. The Greek word (*kenoo*) is always used by Paul in the figurative sense of making no account of oneself, foregoing something which one could claim. On account of this willing obedience during his entire life and total "kenosis" even unto death on the cross, God exalts him on high as Lord of the universe. (The Jerusalem Bible omits the causal "because of this" or "therefore" of the original text, which is very meaningful here since the exaltation is the reward). The exaltation includes the homage and adoration of the entire universe (symbolized by the bending of the knee), and the universal acknowledgement that Jesus is Lord (=Yahweh), entering into that glory (as man) which was always his by right and is now his by conquest. This early credal profession of faith is a powerful admittance of his divinity.

### HOLY THURSDAY

(April 7, 1977)

For the explanation of the readings, see Boletín Ecles. February 1976, pp. 165f.

### EASTER VIGIL MIDNIGHT MASS

(April 10, 1977)

**First Reading:** 6:3-11

**Gospel Reading:** Luke 24:1-12

**First Reading:** Paul's deeply mystical explanation of Christian baptism is very fitting for Easter, the climax of the Paschal Mystery, for it depicts the Christian's renewal in the Risen Christ. This is especially meaningful for the catechumens newly baptized in the vigil ceremonies. In baptism, the Christian enters into the closest union with Christ in person, in his redemptive acts of death, burial and resurrection. With Christ he dies to sin and sinful habits, his old self is buried with Christ, and he rises in Christ to a new life for God. The homiletic value of this passage is evident. Moreover, this spiritual renewal in the Risen Christ is an anticipation and prelude of his bodily resurrection and enjoyment of eternal life in God. If the early Christians received baptism through total

immersion, the lesson became all the more striking through the clear symbolism of immersion and rising from the grave "of death" unto new life. Now identified with Christ, the Christian must put off sin for good, identify himself with the Christ-life and endeavor to please God in all things.

**Gospel Reading:** All the resurrection "apparitions" are intended as theological presentations by the Early Church of the fact that Jesus was truly risen. This is brought home in various ways. In this passage, it is the clear communication of heaven in vv. 5-6, and it was duly prophesied by Jesus himself before his death. It is beside the point to endeavor to "harmonize" the "apparitions". Their literary form differs from the rest of the gospel. Emphasis is here given to the skepticism of the Eleven toward the message of Christ risen from the dead. This is a clear indication that the resurrection was not their pre-conceived concoction. Peter verifies for himself the account of the women, and, full of wonder, is thus prepared for his personal encounter with the Risen One mentioned later in v. 34.

### EASTER SUNDAY MORNING MASS

**First Reading:** Acts 10: 34a. 37-43

**Second Reading:** Colossians 3: 1-4

**Gospel Reading:** John 20: 1-9, Or: Luke 24: 1-12.

For the explanation of these readings see Boletín Ecles., Feb. 1976, pp. 166f.

For Luke 24: 1-12 see the Vigil above.

### SECOND SUNDAY OF EASTER

(April 17, 1977)

**First Reading:** Acts 5: 12-16

**Second Reading:** Revelation 1:9-11, 12-13, 17-19

**Gospel Reading:** John 20: 19-31

**First Reading:** A glimpse into the early Christian community. The Pentecostal outpouring of the Spirit was accompanied by many "signs" and "wonders". All were made to see that the community headed by the Apostles was God's work and not man's. They met as a body in one of the porches of the Temple-grounds toward the East. Only those who professed faith in Jesus could belong to their group. Peter's prominence stands out as he continues the role of Christ the Good Shepherd.

**Gospel Reading:** It is the climax and closing chapter of John's Gospel (ch. 21 is a later inspired addition). Jesus now imparts the fruits of his salvific work: 1) three times he wishes his disciples the Easter Shalom-Peace, which he had promised them in the farewell discourses (14: 27). It contains the fullness of messianic blessings. 2) he shares with them his divine sending, his identical mission received from the Father, whereby they become his "apostles" or "those who are sent" (from the Greek *apostello*: to send). 3) he imparts to them the Holy Spirit, the first-fruits of his passion-death-resurrection salvation. The scene reminds us that in the beginning, God breathed on man to make him truly human (Gen. 2:7). Now by the gift of God's Spirit, they become sons of God (cf. Gal. 4:6). Luke describes the outpouring of the same gift (Acts. 2) from his own liturgical and theological standpoint. (Chronology is not in question). 4) Jesus truly imparts to his apostles the power to forgive sins. It is exercised in the sacrament of penance (Council of Trent). That the power did not die out with them but passed on to those who represent them as long as the Church exists on earth, is the only reasonable conclusion. Why should it be confined to the first century only?

The doubt of Thomas and his subsequent profession of faith only serves to confirm the reader's conviction that the Apostles are proclaiming the truth about the Risen Christ. On the lips of Thomas is the faith of the entire believing community. John follows this up with the double aim of this gospel-writing: faith in Jesus as Messiah-King (Christ) and Son of God, and then sharing by means of this living faith in the divine life which he imparts. This twofold purpose runs throughout the entire gospel of John and lights up every chapter.

**Second Reading:** John makes it clear that sharing Christ's kingly reign on earth entails suffering, in bearing witness to Christ and his gospel-message. Darkness will always hate the light and try to snuff it out (Jn. 1:4). Patient endurance wins the crown.

A brilliant vision unveils Christ gloriously reigning in the midst of the Church, symbolized by the lampstands (v. 20), seven being the symbolic number of fullness. Christ is equally present to all. His garment reaching to the ankles marks him as high priest (Ex. 28:4; 29:5). "Girt at the loins" is a symbol of continence and sinlessness (see 1 Pet. 1:13). Gold stands for royalty. The vision is overpowering but Christ assures him that there is nothing to fear. All things are in his hands. He has overcome all hostile powers, even those of the underworld. Now he is the source of eternal life for all who accept him. With authority he communicates a revelation for the universal church.

**THIRD SUNDAY OF EASTER**  
**(April 24, 1977)**

**First Reading:** Acts 5: 27-32.40-41

**Second Reading:** Revelation 5: 11-14

**Gospel Reading:** John 21: 1-19 (or 21: 1-14)

**First Reading:** The Pentecostal outpouring of the Spirit has made the Apostles fearless in bearing witness to Christ. They preach the plain truth, without trying to soften the message, and that in front of the highest officials in Israel. Peter's reply to the high priest shows how seriously he took the command of v. 20. His sermon in digest form puts forth the same essential points of the proclamation (kerygma) as in the preceding chapters: Christ's death, resurrection and exaltation, as the God-given Leader and Savior, to bring reconciliation to Israel, and the outpouring of the Spirit on all who believe. Gladly the apostolic band shares the sufferings of Jesus, being filled with the joy of the Spirit (Lk. 6:22).

**Gospel Reading:** This chapter represents an independent tradition and is an inspired appendix to the gospel already concluded in 20:30f. The Sea of Galilee was also called Sea of Tiberias because of the important center of learning at its South-west corner. Quite similar is the miraculous catch in Lk. 5, and it would seem that the author is rather giving a symbolical presentation of theological import. The great draught of fish is a sign manifesting Christ, and the disciple of love is the first to recognize the meaning of the sign, but Peter is the first in initiative, signifying his pre-eminence. The net is the Kingdom with the Apostles as fishermen of God's people drawing in the net, which remains intact despite the great quantity of fish enclosed. In the Early Church the fish represented baptized Christians. Though one hundred and fifty-three remains a problem, St. Jerome states that the men of his day classified that many groups of fish, (though this cannot be further ascertained) which would symbolize the universality of men entering the Church. Jesus awaits them at the shore and feeds them with the Eucharist, or preferably, on the eternal shores he welcomes them to let them partake of his divinity.

There follows the celebrated passage of Jesus conferring the primacy of jurisdiction on Peter (Vatican I). All through the fourth gospel Peter held a prominent place. Even though he denied the Master three times, he now proves his loyalty by a threefold profession of love. However, he is no longer the self-confident Peter as before the Passion, but humbly states that Jesus knows how



much he loves him. Thereupon Jesus confers on him as Chief Shepherd the care of the flock of Christ. This will entail following Christ closely (v. 19), suffering and even dying for the flock as Christ did. His death is foretold in veiled terms (v. 18). Tradition tells us he was crucified upside down.

Concerning the lot of the Beloved Disciple, Jesus plainly states that is not Peter's concern, and repeats his injunction to follow him. The vague statement of Jesus concerning John gave rise to a false interpretation, as if John would live to see the Parousia of the Lord. The author asserts that Jesus said nothing of the kind, and concludes the chapter, testifying to John as the man behind the fourth gospel. Though the last verse contains a hyperbole, it is nevertheless true that there is a never-ending flow of books coming into print on Jesus, Son of God, Messiah-King and Savior.

**Second Reading:** A vision depicting the glorification of the Lamb who was slain and lives now forever. He shares the throne with the Father (22:11), receives equal honor, glory and adoration with the Father (5:13). He is the Lamb of immolation (v. 12), but by his passion and death he became supreme Arbiter and Judge of all men. The celestial court (the four living creatures, the twenty-four elders, the innumerable angels) send forth a song of seven-fold praise in homage to him (seven being the number of fullness). The entire universe takes up the respons with a mighty "Amen" (so be it) and a fourfold word of applause (four being the number of creation).

## HOMILIES FOR MARCH

### "LISTEN TO HIM"

**March 6, 1977: Second Sunday in Lent**

**The Human Situation:** Just before the outbreak of World War II between America and Japan, when tension between the two countries was already great, a radio operator in the Pacific was listening for anything that might need immediate reporting. His vigilant listening was rewarded when he detected the waves of Japanese planes coming toward Pearl Harbor on that eventful morning of December 8th, 1941. At once he communicated his apprehension to headquarters. But headquarters were not listening. Something else diverted their attention. The alert went unheeded, and Pearl Harbor was bombed with intense havoc to men, planes, ships and installations. They did not listen.

**The Good News:** It is the Father himself who speaks these meaningful words on the mount of Transfiguration: "This is my Son, my Chosen One. Listen to him." It ought to electrify every individual man and woman when the commander of an army gives an order. He who speaks here is the Almighty Lord of the universe, and it is he himself who directs our attention to the one and only Savior he has sent to be man's salvation. In his hands alone lies the solution to man's problems, individual and personal problems, national problems, world problems, for he is our personal Savior, the Savior of each and every individual who comes into this world. If he is not listened to, to whom shall we turn for guidance, for assistance and salvation? He alone is the God-given Way, the Truth and the Life. He alone is the Light of the world.

But there are many things that keep men from listening to God's Chosen One. First of all today there are multiple distractions. One's business takes up most of the time of the day and night. There is the daily newspaper, the TV and radio programs, the movies one wants to see, meetings and seminars to attend, discussions and dialogues which demand attention. In the midst of it all, the mind can hardly find time to listen quietly to the Spirit of God within or to the word of God beamed so urgently from the Sacred Scriptures, read either in public or perused privately. People have ever so many engagements, time is so short and one must hurry from one place to another to get things done. The voice of the Father commanding us to listen to his beloved Son goes almost unheeded. Or if listened to it is only in a hurried, superficial way.

A second factor keeping us from listening to Christ and his Gospel message is simply lethargy. To listen seriously to God's voice or to endeavor to read the word of God attentively takes energy and concentrated effort. Often the mind is heavy and inactive, indisposed for anything spiritual. God's word calls for action, but the heart of man is often given over to comforts, pleasures, easy-going ways. Listening to the voice of Jesus would mean serious examination of conscience, a thorough change of heart and aims, a real metanoia, true interior compunction and amendment of one's sinful ways. For that, the necessary energy is often lacking. Over-indulgence in food and drink leaves the heart of man heavy and paralyzed for anything spiritual. Only the gentle rains of the grace of the Spirit can dispose a man to listen as he should, and for that grace he needs to pray.

Finally, man sometimes doesn't want to listen. There is open hostility. He prefers to go his own way, even though like Israel of old, that will lead to utter frustration and destruction. Again and again Israel heard the prophets urging them to change her ways, but she did not listen until the enemy came and swept all away in utter destruction. Again and again the lukewarm Christian hears the word of God read or preached to him, but he does not listen to its content, its meaning and its importance for his life, because he does not want to. It is too demanding, and inevitable chastisement will be the result. God sends temporal chastisement as a medicine and remedy, but if that is of no avail, he lets man go his own way to eternal frustration.

Yet, man was made for happiness that is not merely temporal but everlasting. He will not be happy if he rejects Christ. He will not be happy if he does not listen to Christ during his earthly life. He will not be happy if he does not take to heart the words and deeds of Jesus and learn from them what the message of Christ is for each of us. Lent is the time to examine our dispositions, our aims, our strivings. Lent is the opportunity to undergo a change and come out renewed in the transforming death and resurrection of Jesus. Lent is the time when the grace of the Spirit is bountiful, calling us to listen carefully to the voice of Jesus, and set right our relations to God, set right the way we treat our neighbor, set in order all the things of the heart, so that we be prepared when we are called to the account. For some this Lent may be a last warning, the last invitation to sincere repentance. He comes at times wholly unexpected, to take us to himself.

**Our Response:** Of his Blessed Mother Jesus said: Blessed are those who hear the word of God and keep it. This is the model for every Christian, the example that Mary gave us in her earthly

pilgrimage: to listen daily and carefully to the word of God, and then to ponder over it, imbed it, carry it out in our daily deeds, and let it take effect within us to transform us into Christ.

## AN EARNEST WARNING

March 13th, 1977: Third Sunday in Lent

**The Human Situation:** Jerusalem did not heed the warning which Christ so often gave it. It did not accept its own Savior and Messiah, but went its own way, thinking that as children of Abraham, God had to protect them. Theirs was the holy city of Prophets; they were God's Chosen People. The Temple was dedicated to Yahweh and he had to shield it from harm. All this however did not alter the fact that Jerusalem had sinned, and sinned deeply; hence chastisement was meted out to it. The Romans came and besieged the city, battered down the walls, set fire to the Temple, destroyed homes and people. There was not enough wood from the trees on the surrounding hills on which to crucify all the male Jews. Thousands were carried off to slavery to build the edifices in the cities of the Roman Empire.

**The Good News:** In today's readings there is a very urgent tone: a warning to repent while there is still time to repent. So often we read of or even have a taste of natural catastrophes such as earthquakes, floods, typhoons; or again, sicknesses, accidents, wars. These are allowed by a long-suffering God to make us realize the real meaning of life, how short it is when compared to eternity, and that life is meant to be a preparation for the reward of eternity. So many people have no time to think of eternity because they are enmeshed in business projects, activities of all kinds or pleasures. But God made us for himself and to enjoy with him an eternal happiness in his heavenly home. So he sends these things as reminders. Lent is the time to take to heart the warnings of the Lord. To delay reconciliation with God if our conscience tells us that we are at odds with him is a very risky and dangerous matter. God will not be mocked. He is all patient but he is also all just.

Many people continue to harbor the age old conviction: all such calamities are sent by God as punishments for our sins. Long ago the patriarch Job entered into a long discussion with his three friends to refute this. Jesus also makes it clear in today's gospel that the disasters which befell his countrymen did not single them out because they were more sinful than the others. Rather, God allowed these temporal evils to take place in order that this divine judgment might be a providential warning to the men of the day.

Yet it went unheeded, Jerusalem was destroyed by the Romans. Sufferings have a different dimension in the mind of God as can best be seen by the fact that God did not spare his own Son but delivered him up for us. In no other way could the Father in heaven prove to his children that he really loved them than by giving his Son up to the extreme sufferings of the Cross. To leave unheeded such a manifestation of divine love will eventually end in severe chastisement.

Truly, there is also such a thing as national guilt and national chastisement. When the Lord finally punished his People by destroying their Temple and city, there were undoubtedly many people who were serving God with their heart among them. Jesus had warned them to flee but not all were perhaps able to do so. Now they share the chastisement of their nation, being a part of it. Individually however they could benefit by these disasters and sufferings by bearing up patiently and submitting to God's will in the matter. Their example in face of death imposed by the Romans, or the heavy labors in their exile, may have been the occasion for many to turn to God in sincere compunction. Jesus is our Savior, he comes to save man from eternal ruin. Only when time is no more, is there no more opportunity for repentance. His warnings are warnings of love.

**Our Response:** In earthquakes and floods, many innocent people perish. Yet that is not the end of life. God takes them all to himself to reward each one according to his works. Only let each man be prepared to meet his Judge and God. Before it is too late, let the sinner return to his God. He is a God of mercy and compassion.

## RETURN TO THE FATHER

**March 20th, 1977: Fourth Sunday in Lent**

See biblical notes for this Sunday which offer ample material.

## THE COMPASSIONATE SAVIOR

**March 27, 1977: Fifth Sunday in Lent**

**The Human Situation:** As a boy he was always getting into trouble. Since he was highly talented, classes bored him, and he was frequently being punished for his misbehavior. The teachers

scolded him, reported him to his mother again and again, who also punished him each time. But there was one teacher who understood. He took the boy aside and spoke kindly to him, recognizing his potential. He continued to show an understanding heart for the boy's weaknesses, and in time the boy responded generously. Later in life, the grown boy became superintendent of a large school. His dealings with boys are compassionate and understanding, for he himself admits that were it not for that kind and understanding teacher, he would never have made it.

**The Good News:** If there is any outstanding trait of Jesus the Savior it is his loving-kindness and compassion. As High Priest he is not characterized by the Scriptures as exercising some liturgical office, but as mercifully and faithfully pleading before God on behalf of his brothers (Hebr. 2:17). He was sent to bring glad tidings to the poor (Lk. 4:18), and the sinners find in him an understanding friend (Lk. 7: 34) for he is not ashamed to associate with them (Lk. 5: 30). He is moved with pity for the widow whose only son was being carried out for burial, raising him to life and giving him back to his mother (Lk, 7:13-15). He took compassion on a distraught father whose daughter was on the point of death (Lk. 8:41). When Peter cut off the ear of the servant of the high priest that came out to help arrest him, Jesus touched it and healed it (Lk, 22: 25). At all times and for all classes of people Jesus is the compassionate Savior.

In all this, Jesus, the Son of God, was revealing the face of his heavenly Father. For, the Inner Being of God is mercy and love, and God's inmost impulse is to show loving-kindness to those whom he made in his own image. Though the self-righteous Pharisees disdained the sinner, as they did the woman caught in adultery in today's gospel, Jesus proclaimed the good news of infinite mercy for those, who, although they had sinned deeply, were repentant and full of compunction. His heart went out to this poor woman whom the heartless Pharisees had thrust in the midst exposing her to the gaze of all. She stood there helplessly, her accusers cruelly demanding the rigor of the Law. But Jesus did not condemn her. He saw her humiliation and compunction and simply said to her: "Go and avoid this sin in the future". God does not desire the death of the sinner, he does not even despise him for his sinfulness. He only longs all the more to receive back the repentant heart as the father of the prodigal who ran out to

embrace his repentant son (Lk. 15: 20). With such a shining example as Jesus gives, sinful man ought to convince himself that it is not difficult to return to God. For he is "the Father of mercies and the God of all consolation" (2 Cor. 1:3).

We in turn are exhorted by Jesus to be compassionate as our heavenly Father is compassionate (Lk. 6:36). This is the trait that Jesus expects in every one of his followers. In fact, in the parable of the merciless official whose immense debt was forgiven by the king but who in turn would not remit a very small debt of one of his fellow-servants, Jesus says emphatically: "My heavenly Father will treat you in exactly the same way unless each of you forgives his brother from his heart" (Mt. 18:35). We can more easily forgive others if we remember that they are weak human mortals like ourselves, for then we are more willing to be understanding and compassionate. If we refuse to be compassionate and to forgive, our heavenly Father will mete out severe chastisements to us as was done to the merciless official (Mt. 18:34).

**Our Response:** People sometimes find it hard to forgive a serious injury done to them. Then the words of Blessed Conrad von Parzham ought to come to mind: "One glance at the crucifix is enough for me to tell me what to do". One glance at the crucifix tells me that God's own Son forgave me everything I did against Him and even coupled me with immense favors. How ungrateful I would be to be reluctant to be compassionate toward my fellowmen.

## II. HOMILIES FOR APRIL

**Palm Sunday of the Lord's Passion: April 3, 1977**

Read the Passion of the Lord according to Luke.

### THE HOUR OF GLORY

**Holy Thursday: April 7, 1977**

**The Human Situation:** Mother Teresa of India accepted a gift for her poor at the National Shrine of the Immaculate Conception in Washington, D.C. In accepting it she said that "the death and resurrection of Jesus occurred so that you and I could have the

joy of feeding him, clothing him, giving him a home, and loving him. Jesus is around the world in every place, looking up to you and me and asking: Will you love me?"

**The Good News:** With the Last Supper, Jesus entered upon the hour of his glory. It is the glory of the cross, for this is how St. John presents the cross in his gospel (13:31). All during his life, Jesus had waited and longed for this hour, and all other actions were intentionally directed toward this hour. Now the hour had come in which he consummates the Paschal Mystery. He begins it with a stupendous act of humiliation by laying aside his garments (like putting aside his royalty) and donning the image of a slave in order to wash the feet of his disciples, something unheard of before, that a Master should wash the feet of his own disciples. Peter at first resisted, but Jesus knew what he wanted. He was manifesting in the extreme his glory and the glory of his Father who had given his only Son over to such a supreme act of humiliation and self-abasement. In olden times God had manifested his glory by a shining cloud or bright flame of fire, but now he chooses to display his glory in the utter humiliation and sufferings of his Son.

Peter at first resisted Christ's action because he did not realize God's plan of love. But Jesus made it clear to him that only by entering into his way of humiliation and suffering would anyone have part with him. His true followers must follow the way Jesus had opened up. "If I washed your feet, I who am Teacher and Lord, then you must wash each other's feet. What I just did was to give you an example: as I have done, so you must do" (Jn. 13:14f). Thus Paul gloried in his humiliations and sufferings (Gal. 6:14; 2 Cor. 12:9). It is the Christian's glory to follow Christ in accepting every humiliation in the service of his fellowmen, for the most menial tasks and the humiliations accompanying them are nothing compared to what the Lord of glory has submitted to for our sakes.

After that Jesus manifested his glory still more. He instituted the Eucharist, which is the great sacrament of his love, wherein he willed to hide himself, not only the splendor of his divinity but also the attractiveness of his sacred humanity, under the common appearances of bread and wine. Here only genuine faith will discover him and falling down, adore the glory of God revealed in his Son. In the Eucharist, Jesus make himself available for all classes of men, for the poorest of the poor, for the educated and those less educated, for those in power and those minority groups who are oppressed and yet continue to suffer in patience. The gift of himself he has prepared for all men, and he glories in stooping down to each one individually to give himself totally to



that human heart. How could the love of God manifest itself more? This is indeed the glory of God's Son. How easily he could have come in high state as a mighty king, but he prefers to be our Lamb of Sacrifice.

This theme of the immolated Lamb pervades the liturgy of Holy Thursday. For the Eucharist is both sacrifice and food, the sacrifice of the Lamb which the People of God immolate and consume on their journey toward the Promised Land. To insure his sacrificial presence among them for all times, Jesus on this sacred evening instituted the priesthood of the new Covenant. "Do this as a remembrance of me" he told them at the Last Supper. He thus confers on his Church the priesthood which was to benefit all men as long as the Church exists and until the Bridegroom comes to take her to his home.

**Our Response:** All three motifs are objects of our profound gratitude today: the stupendous example of Christ's self-abasement in service of his own disciples, the gift of his sacrament of the Love which is the Eucharist, and the priesthood to make present for all times his sacrifice and sacrificial meal for the People of God. A whole-hearted response on the part of God's People is expected from that Sacred Heart that has so loved men.

## POINTERS FOR THE SEVEN LAST WORDS

(Good Friday: April 8, 1977)

**First Word:** "Father forgive them; they do not know what they are doing" Lk. 23:34).

a. Addressed to the heavenly Father by the dying Son in behalf of sinful man. Undaunted by the charges of blasphemy, Christ openly calls upon God as his Father.

b. In content it is a plea that the Father have mercy and forgive the greatest crime ever perpetrated. He thus unveils the very nature of God's Being: Love. By his own example he teaches love of enemies in the highest degree (cf. Mt. 5:44). In his death agony, there is only concern over wayward, blinded man.

c. The object of his prayer are all those who brought about his death, which are first the representatives of Israel; but then it embraces all sinners, for it is the sins of all men that have crucified the Lord. His generous heart finds as an excuse for their wrongdoings, the blindness brought on by sin: they do not know what they are doing.

**Second Word:** "Jesus replied: I assure you: this day you will be with me in paradise" (Lk. 23:43).

a. Addressed by the Good Shepherd to the wayward sheep. He speaks as the Lord of Glory who holds the destiny of all men in his hands. He really reigns from the cross.

b. In content it is a promise of prompt reward for the prayer of faith of the penitent thief. Till now he had been in the company of evil men; one word with Jesus has changed all: from this day forward he will be in the company of Christ, the King, and his whole court. "Paradise" means the abode of the just after death (like "Abraham's bosom" in Lk. 16:23). For the repentant thief the continual presence of Jesus is a true Paradise.

c. The object of this promise is a dying sinner. No sinner can turn to the Good Shepherd even in his last moments without obtaining mercy. Both malefactors turn to Christ: one in derision and despair; the other in contrition and faith, asking for life in the kingdom. This plea was granted at once.

**Third Word:** "Jesus said to his mother: Woman, there is your son. In turn he said to the disciple: There is your mother." (Jn 19:26f).

a. Addressed by the dying Savior to the mother who bore him and to St. John, the beloved disciple, but in neither case are the persons mentioned by name. He addressed his mother first, so it cannot be merely giving a commitment to John. And he does not address John with the title "son". In John's gospel, living individuals often take on an added corporate meaning, embodying in themselves the collective group for which they stand. Mary in this scene is the New Eve who cooperates with the New Adam in the death-holocaust at the Tree of Life from which new Life was imported to men. John stands for the transformed disciple, transformed into Christ by sharing the new life, and he represents all those who live this new life of Christ. The Mother of Jesus stands for the Church, begetting in Christ the new man.

b. On Golgotha, to the favored and faithful disciple bearing witness to the climax of redemption, the dying Savior proclaims the spiritual motherhood of her whom he again addresses as "Woman" (as he did at Cana Jn. 2:4). Mary as his life-companion (alma socia) is inseparable with her divine Son in the salvific work of regenerating all mankind into the new life that is Christ. Since the main theme of John's Gospel is life (20:31) the Golgotha scene must be seen in that setting, for it is the "Woman" who gives life (Gen. 3:20).

c. The object of Jesus' words is to commend to her spiritual care all those who are one with him in the newness of the Christ-life. The faithful disciple (represented by John) is to look to Mary (representing the Church) as his spiritual mother, and Mary through the Church is to exercise her function of spiritual motherhood over all the faithful. There is but one Christ, and he is the Son of Mary.

**Fourth Word:** "My God, my God, why have you forsaken me"? (Mt. 27:46 quoting Ps. 22:2).

a. Addressed by the suffering and dying Messiah-King to Yahweh, God of Israel and his God.

b. The meaning of the words must be taken from the psalm which Jesus is quoting. The original word which is translated "to forsake" means "to leave utterly without help one who needs help." Thus, God is not withdrawing his person from Christ, but his help. It is the moment of supreme suffering, when the Father allows the full fury of the enemy to fall upon the Victim-Lamb (diabolical influence, physiological and psychological factors, the fury of the mob, the abandonment of friends etc.), suspending the special helps given to enable him to bear up till now. But in this climax of suffering which Psalm 22 expresses throughout, there is no question of God being absent, only of God permitting the fury of the enemy to unleash itself against the dying Savior.

c. Response: A taunt greets this cry of deepest anguish of the Savior is his death struggle. In derision, they pretend to have heard "Elijah" for "Eli", and make fun of it. The Jews expected Elijah to return before the coming of the Messiah.

**Fifth Word:** "I thirst" or "I am thirsty". (Jn. 19:28).

a. Addressed to all and anyone who would have pity on him in his dying condition.

b. In content, the Savior first of all refers to physical thirst, one of the most horrible sufferings of the dying, as doctors testify. Christ fulfills the Scripture of Ps.22:15 and 69:22. St. Augustine remarks: Your thirsting won my salvation (*Sitis tua, salus mea*). But far greater was his spiritual thirst. Now that all things were accomplished, mankind redeemed, he thirsts for the human heart (St. Thomas Aquinas). This spiritual thirst for souls incessantly kindled the fire of zeal of St. Therese of the Child Jesus (Autobiography, ch. 5).

c. Response: One of the soldiers, repeating the words of the bystanders, offered Jesus a drink from the jug of cheap wine which they kept handy to quench their thirst. The act may have

betrayed compassion, so Jesus accepted it. The last thing that man offered his dying Savior was tart, cheap wine, whereas the night before he had instituted the sacrament of the wine of his blood.

**Sixth Word:** "It is consummated" or "Now it is finished" (Jn. 19:30)

a. This is the crowning word of the Savior. It marks the end of that mortal life which he gave as a ransom for many (Mt. 20:28).

b. Now the work of redemption is accomplished. Christ has carried out the Paschal Mystery as planned by the Father: man is reconciled with his God; the Spirit of God has been won for the sons of God; Satan is deposed and his dominion over the world is broken. Heaven is soon to be open with the dawn of the New Day.

c. Fulfilled at last are all the prophecies and prefigurations concerning his person and his work on earth. He has conquered.

**Seventh Word:** "Father into your hands I commend my spirit" (Lk. 23:46)

a. Addressed to his heavenly Father, professing his divine sonship to his dying breath.

b. The content (taken from Ps. 31:6) bespeaks perfect resignation to the Father's will. The original Greek word expresses more than to "commend". It means to entrust for safe-keeping. It is a prayer of perfect confidence and already we glimpse the first rays of the resurrection.

c. Lesson: To each one Jesus gives an ideal example of dying with filial dispositions of resignation and confidence in our heavenly Father who will "raise us up with Christ" (1 Cor. 6:14). It is the night prayer of the Church and of all who live the life of the Church. Well did the martyr Stephan learn the lesson of the Heart of Christ (Acts. 7:59).

## THE EASTER MESSAGE

**April 10, 1977: Easter of the Lord's Resurrection.**

Joy and exultation fill our hearts on this glorious occasion, for Christ our Savior has overcome all his enemies, even death itself, and has risen gloriously and triumphantly, never to die anymore. He is alive, living in our midst, as Shepherd of his flock, full of tender care for each. He leads us daily to good pastures of the word of God in the sacred writings, and nourishes us with his own Body and Blood in the Eucharist. He is drawing all men to himself by the magnetism of his glorified existence (Jn. 12:31) and he

is constantly making intercession for us before the throne of his Father (Hebr. 7:25). On our lips is a glorious "alleluja": Praise the Lord!

But we too have risen spiritually with him. The spiritual resurrection involves a relinquishing of our former lives often filled with infractions of God's law, especially the law of love. Easter means for every Christian a renewed life in the Spirit of Jesus, which is one of love and mercy toward all. Having put off the old self with its sinful ways, we live for God, and let divine love motivate all our words and actions. This is however not just the resolution of the moment. It will mean a continual "onward and upward" to meet the demands of a life that is risen with Christ and lives for God. There will be painstaking efforts to avoid the former pitfalls, the occasions that invariably led one into sin, the places that we know Christ would not want us to frequent, the companionship that leads away from God. But we are not alone for he is with us. He has placed at our disposal many and various means to continue on the way that this Easter feast has opened up to us: Holy Mass, the sacraments, the scriptures, prayer, good companionship.

A "drifter" decided to leave his drug addiction and give his life totally to Christ. He felt an inner urge to enter a monastery and live the life of a monk. After some months he wrote to a friend: "May prayer burn within you. May Jesus' name be like honey in your mouth, may it flow like a stream. The more we pray and love Jesus, the more we penetrate into the Kingdom. We see nothing but him: more beautiful, greater and greater! And we become like little children". Such is the spiritual resurrection that this drug-addict underwent when he gave himself totally up to the following of Christ.

Easter is also an anticipation, an anticipation of our total resurrection in glory on the last day when the Lord will become visible to all in the splendor of his glory, and the final triumph will be celebrated by all who have lived life while on earth. And on their lips will be an eternal "alleluja": Praise the Lord!

### **THERE IS NOTHING TO FEAR (Second Reading)**

**April 17, 1977: Second Sunday of Easter.**

**Note:** For an outline of a homily on the Gospel, see biblical notes for today.

**The Human Situation:** Mary was born without arms in a family of eight. Her dear mother wept, yet never did she say: I wish my baby had never been born. Instead, she prayed that God

would give her the strength to raise her child as a useful human being. When not even one year old, the babe was using a foot to grasp a spoon and feed herself. At five, she could flip the pages of a book with her feet, and scribble with a pencil clenched between her toes. Undaunted, she graduated from both high school and college, majoring in English and history. Later, she married happily and has a robust boy of her own. The seemingly unsurmountable was overcome by sheer determination with her eye on the goal.

**The Good News:** Christ the Son of Man stood in all his glory before John: no longer now was he in the humble garb of the Galilean, no longer in the awful ignominy of the Crucified, but in the brilliant splendor of the Risen Lord, effulgent with all the rays of the resurrection. His long garment marked him as high priest of all mankind, but above all of the Church, symbolized by the seven lampstands. Girded at the breast marked him as the man of perfect control and the shining gold dazzled the disciple. His eyes blazed like fire, and the hair of his head was snow-white (Rev. 1:14). Overcome by the splendor of it all, John swooned away and fell at his feet. But Jesus touched him gently with his right hand, that hand that had wrought so many wonders, and said to him with a voice of authority: There is nothing to fear.

There is nothing to fear. I am the Alpha, the Source of all things, and the Omega, the final goal of the universe, to which all things are tending. I was once dead, but now I live forever. Trust me. Sickness, accidents, and even death itself cannot really harm you if you trust me. I have conquered all sickness and death by my resurrection from the dead. This is your goal also. Accept your lot, accept your sickness and whatever befalls you as coming from me. Accept your death at my hands, and you too shall share in my resurrection. You too shall overcome all sickness and death itself and you shall live forever. Trust me.

There is nothing to fear. All the powers of evil cannot hurt you if you trust me, for I hold in my hands the keys of the netherworld. I myself have overcome Satan singlehanded and all the powers of hell. Wickedness may grow apace day by day, evil may seem to be victorious everywhere. But evil will not win out. I am the Lord of the universe, I am the Judge of all nations. Victory is mine, and it is for all those who are one with me in faith, hope and love. By the power of my resurrection I shall smite all evil-doers and they shall come to naught. The Day of my triumph is approaching. Trust me.

There is nothing to fear. Persecutions and distress will be the lot of my faithful ones, for if they persecuted the Master, they will persecute the disciple. But the martyrs triumphed in

their very persecutions for it was I in whom they trusted, and it was I who triumphed in them. Now they are enjoying immense bliss and glory in the dwelling place of my Father. There I will lead all who suffer with me, for they are faithful to my word and have not denied me in the face of sufferings and death. This life is short and full of sorrows. But there is nothing to fear if you are with me. For in my hands are the destinies of all the nations, and the destinies of every single man that walks on the face of the earth. Have confidence, I have overcome the world. I have conquered. There is nothing to fear.

**Our Response:** The words of the Risen Christ who lives in our midst and who dwells in our hearts ought to instill courage and determination in all the ups and downs of life, in our sorrows and our failures, our mistakes and our sins, for Christ has overcome once and for all. He has overcome also for each one of us. Cast out fear, trust the Savior, trust the great Lord of all.

### WORTHY IS THE LAMB (Second Reading)

(Note: Pointers for a homily on the gospel will be found in the biblical notes for today).

**The Human Situation:** For seventy hours, a Norwegian lad braved a terrifically stormy sea, alone in a raft after their freighter had sunk, without food or drink or sleep, in an incredible feat of human endurance. Seventy-five miles an hour (120 km.) winds, and fifty-foot (15 m.) killer-waves tossed him around like a toy. Freezing temperature, snow, sleet and hail were his constant enemies. He was dehydrated, cut and bruised, twice thrown fully into the sea; but he was able to climb back into his raft. Yet, through dogged determination he lived to tell the story. He had conquered.

**The Good News:** Christ is the Lamb of sacrifice. Long ago Isaiah the prophet had said of him: "Like a lamb led to slaughter, and as a sheep before his shearers he was silent and opened not his mouth" (Is. 53:7). He is the Lamb of expiration as pointed out by John the Baptist to his disciples: "Look! There is the Lamb of God who takes away the sin of the world" (Jn. 1:29). The Evangelist himself depicted him as the Paschal Lamb hanging on the cross with no bones broken, as was prescribed for the paschal lamb in the Old Covenant liturgy (Jn. 19:33-36). His life was one long life of sacrifice for others, and it entailed hard work, constant determination in face of opposition, courage in face of opposition, courage in face of rejection, heroic love in face of crucifixion. Yet the

Lamb of God remained meek and gentle throughout, undaunted by what evil powers and man himself did to him, and he came forth victorious and triumphant.

That is why the book of Revelation immortalizes the victorious Lamb. Twenty-eight times it refers to Christ as the Lamb in the various phases of his Paschal Mystery. He has the wounds of immolation, for he was slain (5:6.9). With his blood (that is, by his death on the cross) he purchased for God men of every race and tongue, of every people and nation (5:9). In his blood the huge crowd standing before God's throne has washed their robes and made them white (7:14). By the blood of the Lamb the community of believers has defeated the red dragon, and for his sake they spurned even death (12:11).

Therefore the heavenly liturgy breaks out in today's reading, giving sevenfold homage and praise to the Lamb who "is worthy to receive power and riches, wisdom and strength, honor and glory and praise!" (5:12). And the entire universe adds a mighty "Amen", so be it, in a fourfold jubilant response: "To the one seated on the throne, and to the Lamb, be praise and honor, glory and might, forever and ever. Amen!" (5:13f). Truly worthy is the Lamb who is God's own Son to receive the homage of redeemed humanity for he is their Redeemer and Savior. Worthy is the Lamb to receive homage from the entire universe for he has let no obstacle in the whole of creation deter him from his determined goal. He has conquered every enemy and has come out victorious. He is truly worthy to receive world dominion which is here symbolized by receiving the sevenfold sealed scroll from the almighty in the midst of the heavenly court. No one else has been given this power, but to him it belongs both by right and then by conquest. For the Lamb who was slain has conquered!

He is worthy to receive divine adoration, for as God-Man he shares the throne of the Father (22:1). He has overcome all the powers of evil for he is Lord of Lords and King of kings (17: 14; 19:16). All who remain faithful to the Lamb will share his victory, for on their heads will be inscribed the name of the Lamb and the name of his Father (14:1). They follow him wherever he goes (14:4), singing the song of Moses and of the Lamb (15:3). The Lamb enters upon his wedding feast with his bride, the Church (19:7.9) when the bride is ready, and it is he who accomplishes the final



separation of good and evil in view of the content of the Book of Life, for it belongs to him to do so (13:8; 21:27). In the New Jerusalem, he takes the place of both the temple and the lampstand (21:22f) for he is the Living Temple of God for the People of God, and he is the Light for every man. As divine King and Shepherd he will feed his flock forever with the riches of his divinity (7:17). Forever will they enjoy his presence, never again to suffer or die (22:1-3).

**Our response:** To share in the glorious triumph of the Lamb it will be necessary to share his sufferings and labor during our earthly pilgrimage. But he is always with us as the Lamb or Sacrifice in the Eucharist, pleading for us before the Father to obtain whatever we need; he himself is our strength in the Eucharistic meal by which we are enabled on our part to conquer all the powers of evil and meet death as he did, calmly and resignedly, knowing that death is not the end of things but the real beginning, for through death we come to the New Jerusalem, to be without pain and sorrow anymore, for we too have conquered by the blood of the Lamb

## SHORT NOTICES ON BOOKS

Ausejo, OFMCap., P. Serafin de: *La Biblia — nueva traducción*. Editorial Herder, Barcelona, 1976 — 1,380 págs. — Guáflex 780 pesetas.

This is a scholarly modern rendition of the whole Bible to Spanish from the original Hebrew and Greek texts. Needless to say, this is a completely orthodox work. It contains to boot much information about every particular book, together with succinct but substantial commentaries in the footnotes. The index serves as a short concordance. There are many maps in color and three very informative appendices. We invite anyone who understands Spanish to try this new translation for a new experience.

Bauer, Johannes B.: *Temas Caudentes para el Cristiano*. Editorial Herder, Barcelona, 1976 — 576 págs. — Rústica 750 pesetas; tela 850 pesetas.

This is an encyclopedia of sorts, authored by 22 University professors, on 39 religious topics including abortion, aggiornamento, celibacy, democratization in the Church, divorce, ecumenism, infallibility, magic, pluralism, family planning, resurrection, sexuality, the virginity of Mary, etc. The approach is ecumenalistic, that is, all opinions are stated, and the reader is left a free choice. So we would recommend this book mostly to Catholic readers who are well grounded in Catholic Apologetics.

Boros, Ladislaus: *La Meditación como Experiencia Religiosa*. Editorial Herder, Barcelona, 1976 — 164 págs. — Rústica 250 pesetas.

This is a symposium on the theme by six noted scholars. Boros dwells on the need of penetrating into the world of human innerness; Lotz on salutary solitude as a requirement for meditation; Staehlin on a "direct experience of a second reality" during meditation; Strolz on a training on serenity. Waser, who is a pharmacist, deals on the relation of psychedelic drugs to meditation; and Benz on Oriental meditation and its vast difference from the Christian. All authors agree on the utmost importance of meditation for the advancement in the mystical life, and even for inner peace and mere psychical normality and nervous stability.

Pannenberg, Wolfhart: *El Hombre como Problema*. Editorial Herder, Barcelona, 1967 — 208 págs. — Rústica 300 pesetas.

The author is a distinguished Protestant theologian who heads the Ecumenical Institute of the Munich University. He is a very erudite scholar, and focuses all relevant facts and theories in biology, medicine, psychology, jurisprudence, sociology, theology, history, etc., to shed light on his theme. He winds up with the following conclusions: 1. The "opening" or rapport of man with the world proceeds from a God-made relation of man with the universe; and 2. The dimension of human life viewed merely as human culture is incomplete, except within the context of human dependence on God.

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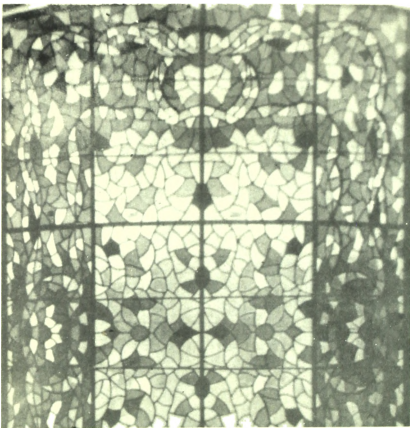
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