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THE TRIUMPH OF THE "SPIRIT"

WE all have to-day the idea of a 'spirit'. We know what a spirit *is not*, although we are sure that it exists: we know how to remove from the concept of a being 'spiritual' the ideas of measure and proportion to space, of weight and subjection to gravity, of colour and reflexion of rays and energy, of odour and volatility, of different states: gas, liquid, solid, and even of growth, generation or corruption, or of mixture and composition.

And yet we know that a being *can exist* without such properties; and we are sure that in fact such beings *do exist*. Their fruits and effects are there: and the speech, the calculation, the planning, the reasoning and deducting, the real 'universalizing', the idealism in life, the heroic achievements and martyrdoms, all stand there undeniable and factual to testify to the existence and to suggest precious hints as to the very nature of the 'spirit'.

Now this idea of the spiritual being, is not simply an addition to man's thoughts nor simply an enrichment of science. It is mainly one of the most implicative and far reaching ideas we can ever think of. Think for a while of what happens to a person, a family, a society, a nation, a generation, when the fact and idea of immortality (so ultimately connected with spirituality and so immediately inferred from it) is ignored or maliciously pushed aside.

To get nearer to our point, this true and rich idea of the 'spirit' is a trophy of a victory by man's mind and intelligence. Thomas of Aquino is one of the most distinguishable knights and one of the most valiant warriors who helped humanity to achieve this great triumph.

'(Cognitionis et motus) principium antiqui philosophi, imaginationem transcendere non valentes, aliquod corpus ponebant, sola corpora res esse dicentes, et quod non est corpus, nihil esse.' (S. Th. 1-75-1) The old philosophers did not succeed to overcome the imagination. They thought that nothing can ever exist unless it is individuated by quantity,

time and place. Since all our direct knowledge comes in through the senses: And since the senses catch hold of objects circumscribed by limits of measure; the ancient masters argued that nothing but 'corpora' can really be said to exist.

'Antiqui autem ignorantes vim intelligendi et non distinguentes inter sensum et intellectum, nihil esse existimaverunt in mundo nisi quod sensu et imaginatione apprehendi potest. Et quia sub imaginatione non cadit nisi corpus, existimaverunt quod nullum ens esset nisi corpus, ut Philosophus dicit in 4 Physicorum'. (I-50-1)

But St. Thomas, based on the principles of the old Masters themselves and enlightened – from the outside – by Revelation, exalts and extends, along with Peter Lombardus and the other Scholastics, the field of human knowledge and of science and certitude. He joins in realising the triumph of the 'spirit'.

Yes. There exists such *ens*, that is not corporal, not necessarily bound by measure and place. An *ens* which triumphs over inactivity and becomes 'principium motus'; over space: 'tota anima in qualibet parte corporis (I-76-8), over the senses: 'sensus non cognoscit esse nisi sub hic et nunc. Sed intellectus apprehendit esse absolute et secundum omne tempus' (I-75-6); over death: 'respondeo dicendum quod necesse est dicere animam humanam... esse incorruptibilem'. (I-75-6)

(A) 'Spiritus est Deus'. God is a spirit; the Spirit who is the source of all being, of all activity. – The old question moving and tormenting the mind of the child Thomas, on the hill of Montecassino: 'Quid est Deus?', this old question guides him in his research till the end of his short life. And when he came to gather and systematise his teaching, theories and opinions, Thomas says: 'de Deo scire non possumus quid sit, sed quid non sit.' (I-3-intrd)

And the first property and attribute to be excluded from the idea of God's essence, is exactly his having a 'body'. Quæritur utrum Deus sit corpus: respondeo dicendum absolute Deum non esse corpus.' (I-3-1) The question is clearly cut: no, God is not a body, nor has He any material element in His essence. – How could He? He is the One who gives origin to any sort and kind of 'motus', without being 'moved' by *anyone* or *anything* else. He is the all-perfect Being; how can He have anything to do with matter? – And besides, nothing can ever be more excellent and noble than God. If He were to be a 'body' – a living one, we hope! – His 'supposed' *soul* would be more 'noble' than Him. – No. God is a spirit: all the universe, 'heaven and earth' are originated and

preserved and governed by a spirit. How far from the old concept of 'esse'! It is not only incorrect to say that only 'corpora' exist and only 'corpora' can be certainly known; but that which really exists is only the Spirit, the One who is the condition of existence and the real cause of all existence of all possible beings and activities.

(B) Out of God, that is distinct from Him, there are other spiritual beings or 'substantiae'. 'Ad hoc quod universum sit perfectum necesse est ponere quod sit aliqua incorporea creatura'. (I-50-1) God causes the universe to exist, by the spiritual power of his essence that we would call 'intellect and will'. And since He wanted to create a universe which could express in some way at least His divine 'perfection', so He wanted to produce some creatures who would be spiritual, who would be similar to His intellect and will. These spirits are the Angels. In the whole picture they give the 'best' image of God. (I-50-1)

So, the 'spirit', according to St. Thomas, does not only give origin to the universe, but it also perfects and adorns it.

(C) But the spirit most familiar and near to us is our own 'soul': the spirit which makes us human beings, distinct from the other creatures on earth, able to 'understand' beyond matter and individuals, destined to live beyond the edges of the grave. We are, it is true, whole and unified beings, we, human creatures. So, when we speak of our spirit triumphing on matter, of our soul living *with* a body and yet living its own independent life, we should never miss the point that this our spirit is created to exist with its matter: and that this our body is in *many* ways 'spiritualized matter' but in *all* ways dependent on the spirit for its existence and activity. The two elements are directed to be one: indeed, one nature and one 'person' since this nature belongs to the 'rational' sphere.

It is clear that the soul is the source of the actions called vital, not just any ordinary source, but the 'primum principium vitae', the *first* one, (in the relative order of the living ens in question). Now St. Thomas goes on to say, the body, the matter, cannot be the first source of life in an individual nature. Because if a body is living, it receives life from something else, not from its being a body: in fact not all the bodies do live. 'Alioquin omne corpus esset vivens vel principium vitae'. (I-75-1)

So the fact of the existence of many such not-living bodies gives to S. Thomas the first a priori proof that the soul is not material. — But of course this is not complete, this is not all the teaching on our soul's

nature. Its spirituality is higher and more authentic. Our spirit triumphs over the matter because it is able to exist and to act without a body. 'Relinquitur... animam humanam, quae dicitur intellectus vel mens, esse aliquid incorporeum et subsistens'. (I-75-2)

The soul of man has no material element in its essence and besides, it can act 'for itself', 'per se'. Experience, in fact, teaches that man's mind is able to understand the 'nature' of all kinds of bodies. 'But, St. Thomas proceeds, if my soul were a body or if it acted in an absolute dependence from a corporal organ, it would not be able to know and understand the nature of *all kinds* of bodies. It would be determined to a category of them, and hindered from the understanding of the others. Therefore the human soul is not corporal and acts 'per se'.

Moving higher, he adds: nothing can act for itself unless it has also an existence for itself and a life for itself: *operari sequitur esse*. This is the fact and this is the reason for us to be fortunately able to reach the certainty about the full spirituality of our soul.

Fortunate, we say, because once we feel sure to be living in the reign of the spirit, we know also that there is no limit to our existence, from the inside. Unless someone or something is able and in fact wants to destroy our spirit, we shall go on living for ever. There is, it is true, this 'potentia activa creantis ad non esse'; because we do not exist necessarily and for the unescapable force of our nature. (I-75-ad 2) We did not exist always, from eternity. Existence is not one of the essential properties of our soul and being. But if the One able to call us from the dark night of nothing, does pronounce the creative word and we are privileged to utter our 'adsum', then our spirit will enjoy an incorruptible life on which death will have no say.

'Necesse est dicere animam humanam, quam dicimus intellectivum principium, esse incorruptibilem.' (I-75-6). Our spirit is an existing being giving the 'form' of man to the human being; it exists for itself and gives to man his being such. If it were to be able to lose its existence, we would have this contradiction that an *ens* created to be the *actus* and the form of something, would have to be thought of as at the same time giving the 'esse' and not having it. 'Esse convenit per se formae quae est actus'. In fact 'materia secundum hoc acquirit esse in actu, quod acquirit formam' and besides that, the matter can lose its existence, 'Quod separetur forma ab ea' Now in the case of our soul, the subsistent form of man as man, if it had to lose its existence, it should be separated from itself: 'Impossibile est autem quod forma separetur a seipsa; unde

impossibile est quod forma subsistens desinat esse'. (I-75-6)

And besides all this subtle and highly metaphysical reasoning, there is another consideration to convince us of the immortality of our spirit. St. Thomas climbs up the ladder this way: 'Naturale desiderium non potest esse inane'; The instinctive yearning which betrays itself as an essential part of the nature of a being, cannot but come from the One who created that heart and nature. And if He created it, and if He is infinitely wise and good, He will certainly not deny its object. 'Naturale desiderium non potest esse inane'. Now, second rung of the ladder, 'omne habens intellectum naturaliter desiderat esse semper'; Because, as anything else in the realm of being, also the spiritual intelligence of man 'suo modo esse desiderat naturaliter.' And the way man understands and 'naturally' yearns after being is 'absolute et secundum omne tempus'; precisely as he perceives 'esse absolute' and 'secundum omne tempus', not as the senses would.

At the beginning of the seventeenth century, Descartes will try to reconstruct science by fixing two starting points *Cogito ergo sum*. The two equally certain facts able to be taken as solid base for progress in the research of truth. St. Thomas Aquinas looks as if he finds in the fact and nature of human understanding, of human intellectual spirit and intellectual activities, the fact and the proof of the spirituality and, so, of the incorruptibility of the human spirit. If I am able to understand and abstract ideas which are 'absolutae et non secundum hic et nunc' then I have in me someone or something which can act independently from matter. And if it can act this way, it *is*, it exists independently from matter, it is spiritual and *subsistens*: only the One who created it can destroy it and annihilate it.

And so the triumph of the spirit in the universe, for Aquinas is complete. The spirit, God, is the Beginning and Reason of all; His noblest creatures are spirits like Him; and man, His favourite creature on earth, is man on account of the existence and activity of a spirit, a soul in him: a spirit not generated as his body, not bound to feed itself materially in order to preserve and build up life and energy, not subject to death and corruption; but a triumphant spark of life able to change the face of this world and to throng perpetually the other in a glorious triumph of the spirit.

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LITURGICAL NOTES

WAS THE GREEK RITE EVER IN USE IN MALTA?

THE main argument in favour of the existence of the Greek rite in Malta is the fact, generally agreed upon, that after the division of the Roman Empire in 395, Malta formed part of the Eastern or Byzantine Empire. Abela¹ mentions the fact that in 886 Leo the Wise or the Philosopher forcibly separated various Sicilian dioceses from the see of Rome, uniting them to that of Constantinople; but historians generally attribute this forced annexation to Leo III the Isaurian, who forcibly annexed to Constantinople the churches of ancient Illyricum as well as those of Crete, Sicily, Southern Italy and perhaps Sardinia. As a reprisal against Popes Gregory II and Gregory III, who had strongly denounced Leo's edicts which forbade the veneration of images, Leo had imposed new taxes on Sicily and Calabria, confiscated the Patrimony of St. Peter existing in these two provinces, and ordered that its income, amounting to three and a half talents of gold yearly, should be paid into his treasury; but contemporary writers do not mention any forced annexation of churches, traditionally subject to Rome, to the see of Constantinople. We first hear about such a forced annexation during the pontificates of Hadrian I and Nicholas I who made spirited protests at this high-handed behaviour. Pope Nicholas I writing to the Emperor Michael III attributes the annexation to Leo III the Isaurian, and there are no valid reasons to doubt the statement. An Armenian monk, Basil, writing in the beginning of the ninth century, states that these churches were united to the see of Constantinople from the time when 'the pope of old Rome became subject to the barbarians'; but this statement is too vague to help us in fixing the exact date of an affair which has had so great consequences and which was a continual cause of conflict between Rome and Byzan-

¹ Abela-Ciantar, *Malta Illustrata*, Lib. III, Not. I, par. LXIX. «Ritroviamo, che nell'anno 886 circa, si fece all'Imperadore Leone di Constantinopli, cognominato il Filosofo, o Sapiente, una disposizione intorno al Patriarcato Constantinopolitano, la qual vien riferita da Leonclavio presso Roberto Mireo, in *Not. Episcoporum Orbis Christiani*, nella fine della qual disposizione, come attesta il Pirri nella Notizia Siracusana, si legge così: *Metropolitani, et Episcopi a Sede Romana avulsi Thessalonicensis, Syracusanus, Corinthius, Rhegiensis, Nicopolitanus, Atheniensis, Patresnis, Sub Syracusano Metropolitano Siciliae, Taurominitanus, Messanensis, Agrigentinus, Croniensis, Lilybei, Drapani, Panormitanus, Thermarum, Cephaludii, Alesae, Tyndarii, Melitensis, Liparensis...*

tium.² This forced annexation may have been made on the ground that 'rite follows patriarcate', for it seems that, after the crystallization of the different liturgical rites, Roman and Byzantine usages existed side by side in Sicily and Southern Italy, though the Christians of these provinces were undoubtedly under the jurisdiction of Rome, until they were forcibly annexed to Byzantium, an annexation which seems to have lasted, nominally at least, till the Norman conquest.³

That Malta was under the direct jurisdiction of Rome at the time of Gregory the Great, is clearly evident from the fact that the Pope could order disciplinary measures to the bishop of Malta,⁴ and even take disciplinary measures against him, ordering his deposition.⁵ This bishop, Lucillus, was succeeded by Trajan, who asked permission from the Pope to take with him to Malta four or five of his fellow monks from his monastery in the city of Syracuse.⁶

All this cannot give a conclusive proof in favour or against the existence of the Greek rite in Malta. In fact Greek influence in Southern Italy and Sicily has existed from classical times, and the number of Greeks in these regions had considerably increased during the Iconoclastic controversy and Moslem invasions. Several popes⁷ in the sixth and seventh

² Fliche-Martin, *Histoire de l'Eglise*, vol. V, ch. xiii, n. 535.

³ Archdale A. King, *The Rites of Eastern Christendom*, vol. II, p. 8 (1948 ed.).

⁴ *Pervenit itaque ad nos, Fratemitatis tuae clericos, terras Africanæ tenentes ecclesiae, quod pensionem earundem possessionum dare contemnant. Quod si verum est, et ad Fratemitatis tuae haec sunt perlata notitiam, tua in hoc desidia eorum culpa nutrita est: ob quam rem scriptis de praesentibus admonemus, quantum ad persolvendam pensionem, nulla mora, nullaque excusatione eosdem clericos uti permittas.* (Ep. 30, Lib. 2, Ind. 10).

⁵ The disciplinary measures had to be taken by the Archbishop of Syracuse, to whose province Malta belonged. To him the Pope wrote: *Fraternitas vestra, tres vel quattuor de fratribus et consacerdotibus sibi notis adhibeat ut ipsis quoque praesentibus... Lucillum de episcopatus ordine... studeat sine ambiguitate deponere... curae praeterea sit vobis clerum et populum Miletinae civitatis hortari... ordinandum sibi eligant Deo propitio sacerdotem: causam vero presbyterorum ac diaconorum qui in lapsu accusati sunt sollicitè omnino rimamini, et si rei criminis esse patuerint severam in eis ultionem et canonicam exhibete* (Lib. 7, Ind. 2, Ep. 62).

⁶ *Praeterea petit nobis suprascriptus Traianus frater noster ut de monasterio quod in civitate Syracusana situm est, ei quattuor vel quinque dari monachi debuisent quod pro eius solatio nequaquam existimavimus denegandum.* (Lib. 8, Ind. 3).

⁷ Pope Agatho, a Sicilian (678-682), Sergius I, from Palermo (687-701), John VII from Calabria (705-707), and others.

centuries were Greeks from Calabria and Sicily; Rome abounded in Eastern monasteries; as late as the thirteenth century Naples had six Greek parishes; and the Latin archbishopric of Reggio in the same period had more Greek priests than Latin ones. With the Norman conquest a latinisation process set in, and by the beginning of the fifteenth century this process had brought the Greek rite in Italy to the verge of extinction.⁸

The historical data available make us conclude that in Sicily and Southern Italy both the Greek and Latin rites existed side by side for several centuries, and this may have also been the case in Malta. But it seems that there were no Christians of the Greek rite in Malta when the Knights arrived in 1530.⁹ If there existed a Greek rite in Malta in an earlier period, this must have become extinct long before the advent of the Knights. One might perhaps mention the fact that one of the gates of Notabile is known as the Greeks' Gate. According to Abela¹⁰ the name of the gate, *Bieb il-Grekin*, in his times, indicates that part of the old capital inhabited by Christians during the Arab domination, and he bases his statement on the fact that this is what had taken place at Messina. Another locality connected with Christians during the Arab domination is *Wied ir-Rum*, the Valley of the Christians; but then one could ask whether it is probable or not that the Arabs used two different terms to indicate the Christians living under their sway in Malta – *Grekin* and *Rum* – unless one, perhaps, would admit the existence of two different communities of Christians in Malta, with their own particular uses and customs, one living within or near the city, and one farther away. In this case one can easily explain the subsequent extinction of the community of the *Grekin*, whose uses would be looked upon by the *Rum* – the Latins – as suspect of heresy or at least a nuisance, which was the case of the Greek rite Christians in the Norman dominions on

⁸ Archdale A. King, *The Rites of Eastern Christendom*, vol. 2, *The Italo-Greek Albanians*.

⁹ There is no trace of such Christians in the Archives of the Greek Church in Malta, according to Papas Fr. Ghetta Schirò in his *Memorie su le chiese e il rito greco in Malta*, Valletta 1930, p. 8. About 4000 Greeks came with the Order to Malta after the fall of Rhodes and they all settled in the cities round the Grand Harbour: none settled in the Old City. In 40 years' time their number had dwindled to 74 families and was continually decreasing, probably because these Greeks, who were mostly men, intermarried with Maltese women and adopted the Latin rite. (Schirò, l. c. p. 17-18).

¹⁰ Lib. II, Not. IX «Et Messanenenses Christiani eam urbis partem habitabant quae nunc Graecia dicitur».

account of the enmity of the Norman kings with the Byzantines, and of their ignorance of Greek uses.

That for a certain period of time, before the Arab domination, Malta was under the influence of the Eastern churches, may be deduced from the fact that the Maltese catacombs clearly indicate that the Maltese Christians were on good terms with the Jewish colony, because Jews and Christians in Malta used the same places of burial. This was contrary to the customs of the Christians of Rome and North Africa where Christians tended to keep their cemeteries distinct from those of other religions, but this was the custom in certain regions of Asia Minor. The Maltese catacombs date from the fourth or fifth century onwards,¹¹ and therefore this fact leads us to the conclusion we have already hinted at, namely that for a number of centuries Greek and Latin rite Christians lived side by side in Malta as they did in Sicily and Southern Italy.

A final argument in favour of the existence of the Greek rite in Malta may be derived from certain Maltese words, some now obsolete, which are of Greek origin.¹² These words are *liti* for procession, from the Greek λῆτις; *miru* from the Greek μύρον for chrism and therefore for Confirmation: both these words are obsolete, but were still in use in Vassalli's time. Other words or expressions are: *Lapsi* from the Greek (ἀνα) ληψις for the feast of the Ascension; *Hadd il-Ġdid* for Low Sunday; *Sibt Lazzru* for the Saturday preceding the first Sunday of Passiontide; *Għid il-Hamiem* for Epiphany, now no longer in use. The feast day of St. Venera is also mentioned in this connection: Magri in his Hierolexicon¹³ says that St. Venera is called by the Greeks 'Ἁγία παρασκευή as she was born on Good Friday, and her feast day is celebrated on the 14th November by the Latin Church, while in Malta and in the Greek Church her feast day is on the 26th July, even nowadays. This argument is very difficult to evaluate and it can hardly prove anything. *Hadd il-Ġdid* and *Għid il-Hamiem* have no corresponding expression among the Greeks; the feasts of the Epiphany is for them the 'dies luminum' τα ἅγια φῶτα, and Low Sunday is St. Thomas' Sunday κυριακὴ θωμᾶ, the Apostles' Day ἡμέρα Ἀποστόλων, although the whole of Easter Week is known as the week of renewal (tigdid) διακαινέσιμος ἑβδομας. But

¹¹ A. Ferrua, *Antichità Cristiane, I Catacombi di Malta, Civiltà Cattolica*, v. 2381 (3 sua. 1949), p. 513.

¹² *Melita Theologica*, VII, I (1954), Saydon, *Traces of the Byzantine rite in the Church of Malta*.

¹³ Magri, *Hierolexicon*, s.v. *Parasceve*.

the idea of renewal at Easter is not particular to the Greek rite: the whole liturgy of Easter Week in the Latin rite stresses the renewal brought about by the Resurrection of the Lord, and therefore, there seems to be no reason to appeal to the Greek rite to explain the Maltese name for Low Sunday. As to *Sibt Lazzru*, nearly all the Eastern Churches celebrate the feast of Lazarus on the Saturday preceding Palm Sunday: this was the custom in Jerusalem since the 4th century¹⁴; while in the whole of Western Christendom, with the exception of Rome after the reform of Gregory the Great, the Lazarus Gospel was read on the first Sunday of Passiontide.¹⁵ In the Latin rite today, the Lazarus Gospel is read on the Friday preceding the first Sunday in Passiontide, and the Maltese expression, adopted from the Greeks, must have been applied to the Saturday preceding Passion Sunday, the nearest one to the day on which the Lazarus pericope is read at Mass. Besides *liti*, *miru* and *Lapsi*, Abela mentions other words of Greek origin in use at his time, namely, *kona* from εἰκων; *malluta* from μηλοτη, a goatskin garment – the habitual dress of Egyptian and other Eastern monks; *kočca* from κολυβα, a kind of sweet bread eaten in honour of some saint or of the dead, but in Malta, according to Magri¹⁶ only eaten in honour of the dead. According to Abela¹⁷ these words entered the Maltese language before the Arab occupation and are a relic of the group of Christians living within the old city near *Bieb il-Grekin* during or immediately after the Arab domination. They may also have been derived from the Greek rite Christians who came with the Order in 1530; but the solution is rather difficult to find unless one knew in what parts of the island they were in common use, for if they were commonly used in the towns and villages bordering the harbour most probably they would be due to the Rhodian Christians, but if they were in use in the localities round the Old City they will furnish a probable proof of the existence of Greek Christians in the Old City or in the neighbourhood long before the coming of the Knights.

A final argument in favour of Greek Christians being found in Malta may perhaps be furnished by two Greek inscriptions one found at Marsa¹⁸

¹⁴ Peregrinatio Etheriae, II, 29; Sources Chretiennes, 21, pp. 216, 218.

¹⁵ DACL VIII, 2087-9; Righetti, Storia Liturgica, II, iv, 6.

¹⁶ Magri, Hierolexicon, s.v. Agape.

¹⁷ Malta Illustrata, Lib. II, Not. X.

¹⁸ Κοιμητήριον ἡγοραζόμενον ὡς Ζωσιμήτινος καὶ Ἀνικε... mentioned by Abela (Lib. I Not. IV).

and the other at Gozo¹⁹ but probably these inscriptions belong to a period when the liturgical rites had not yet become crystallized.

Concluding this note we must state that from the scant data available we cannot affirm that at any time the Greek rite was in exclusive use in Malta, but there may have been, in various periods, groups of Greek Christians living side by side with Christians of the Latin Rite as was the case in Sicily and Southern Italy.

J. LUPI

¹⁹ Ἐνθόδαδε κῆτε δομέστικος ὁ εὐμ[αθ]ῆς χριστιανος κ(αι) ἱητρός ἔζησεν ἔτη ος', ἀνεπάατο τῆ [πρ(ο)] ἡ καλ[αν]δ(ων) φεβρ(ουαρίων) mentioned by H. Leclerq in DACL, X, 1340. We can also mention the name Ἐντυκτιον in the Catacombs of St. Paul at Rabat, and an ampulla with a Greek inscription Εὐλογιαστοῦ Ἁγίου Μενά in honour of St. Menas, also mentioned in DACL X, 1341.

DISEASE AND HEALING IN THE BIBLE AND THEIR RELIGIOUS SIGNIFICANCE*

It is a great pleasure and a great honour to me to be invited to address such a distinguished audience on such a memorable day which reminds you of your patron saint, who, as the author of one of the Gospels, happens to be also an acquaintance and a friend of mine. But at the very outset I must confess that the choice of the subject of my talk has been very embarrassing, for the subject either happened to be too specialized to arouse general interest, or too scantily attested by the Bible to provide sufficient matter for a conference. After many unsuccessful attempts and especially after reading a paper by Prof. Joh. Hempel, 'Heilung als Symbol und Wirklichkeit im biblischen Schriftum,' published in the *Theologische Literaturzeitung* in 1957 and later, in an expanded form, as a book, I hit upon this subject: 'Disease and Healing in the Bible and their religious significance.' This subject, I dare hope, will strongly appeal to general medical interest and will help to clarify and strengthen your religious convictions.

Disease, as you know from your personal experience and from your studies, is the effect of external causes or of internal disturbances of the organism. The bible mentions several cases. The legislation contained in the so-called Book of the Covenant in Exodus, 21-23, contemplates the case of death caused by a deadly weapon, 'Whoever strikes a man so that he dies shall be put to death'. (21,12) Injuries caused by external causes are also contemplated. 'When men quarrel and one strikes the other with a stone or with his fist, and the man does not die but keeps his bed, then if the man rises again and walks abroad with his staff, he that struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed.' (21, 18) Nabab and Abihu, Aaron's sons, were killed by lightning: 'And fire came forth from the presence of the Lord, and they died before the Lord.' (Lev. 10, 2) The immoderate use of dried quails in the desert was the cause of the death of a large multitude of Israelites. (Num. 11, 33) People died of the bites of poisonous serpents. (Num. 21, 6) Nabal, a rich man of Carmel, had a stroke and died after ten days. Tobit became blind after a sparrow's excrements fell on his eyes. The son of a woman with whom

* Lecture delivered to the Members of the British Medical Association on 18th Oct. 1962.

the prophet Elisha was dwelling died of a sunstroke. So died also Judith's husband. Many other diseases are mentioned in the O. and N. Testament, but without any indication of their causes and their real nature. In the book of Exodus, 4, 24, we read that Moses on his way from Midian to Egypt was met by the Lord who sought to kill him. This means that Moses was stricken by a fatal disease about which we know nothing. The physical cause of the death of the first-born of Egypt is not specified. The book of Leviticus mentions cases of leprosy and various other skin diseases. The Philistines were afflicted with tumors, probably hemorrhoids. The Egyptian slave found by David's men in a state of exhaustion had fallen sick three days before, but the nature of the sickness is not specified. David's last illness seems to have been tertian fever. Other diseases such as consumption, scabies, pestilence, scurvy, ulcers, are mentioned especially in the minatory speeches of the Lord. In the N. Testament we read of lepers, paralytics, blind men, dumb and deaf men; we read of Peter's mother-in-law suffering from fever (Matt. 8, 15); of a woman suffering from hemorrhage (Matt. 9, 20); of a man with a withered hand (Matt. 12, 13) of a bent woman (Luke 13, 12) of dysentery (Acts 28, 8); of stomach trouble (I Tim. 5, 23) and many other unspecified diseases. It must be remarked that disease is sometimes described in such a figurative language as to render its identification extremely difficult or impossible.

Very often disease is attributed directly to God. God is represented as the immediate cause of disease and healing; He is the author of life and death: 'He kills and brings to life; He brings down to the Underworld and raises again.' (I Sam. 2, 6) This belief is frequently attested in the Bible. Moses' disease mentioned in Exod. 4, 24 was certainly inflicted by God who 'met Moses and sought to kill him.' The lightning which killed Nabad and Abihu 'came forth from the presence of the Lords,' that is, it was produced by God. Miriam's leprosy was the effect of God's anger against her. It was God who sent the fiery or poisonous serpents among the people who spoke against God and Moses in the desert. The Philistines were afflicted with tumors by God. A typical case of a disease said to be inflicted by God is the story of Saul. Saul suffered from a neurotic disorder, probably hypochondriasis and at times he had such paroxysmal fits that made him act in the most eccentric way. Now his disease is described as being due to an evil spirit from the Lord. In I Sam. 16, 14 we read that 'the spirit of the Lord departed from Saul and an evil spirit from the Lord tormented Him.' This means that

Saul lost his normal mental serenity and fell into a state of mental depression due, very probably, to the jealousy excited in him on seeing David set before him by the women singing and celebrating his victory over Goliath and the Philistines. And the story goes on: 'And Saul's servants said to him: Behold now, an evil spirit from God is tormenting you. Let our Lord now command your servants, who are before you, to seek out a man who is skilful in playing the lyre: and when the evil spirit from God is upon you he will play it and you will be well Whenever the evil spirit from God was upon Saul, David took the lyre; and when playing it with his hands Saul was refreshed, and was well, and the evil spirit departed from him.' Once more, 'an evil spirit from the Lord came upon Saul, as he sat in his house with his spear in his hand; and David was playing the lyre. And Saul sought to pin David to the wall with the spear; but he eluded Saul, so that he struck the spear into the wall. And David fled and escaped. David's son, born of Uriah's wife was struck by the Lord, became sick and died (2 Sam. 12, 15) The prophet Elijah accuses God for bringing a mortal sickness upon the son of the widow in whose house he was dwelling. 'O God my God, hast thou brought calamity even upon the widow with whom I sojourn, by slaying her son?' (1 Kings 17, 20) The army of the king of Syria became blind on the prayer of the prophet Elisha. We read in 2 Kings 6, 18: 'When the Syrians came down against him, Elisha prayed to the Lord and said: Strike this people, I pray thee, with blindness. So he struck them with blindness in accordance with the prayer of Elisha. Azariah, king of Judah, was smitten by the Lord with leprosy and he was a leper till the day of his death. (2 Kings 15, 5) Still more tragic was the plight of the Assyrian army besieging Jerusalem. In one night the Angel of the Lord slew 185,000 men, and in the morning these were all dead bodies. (2 Kings 19, 35) It may have been an outbreak of plague attributed to the vindictive power of God of the Israelites. Elijah the prophet threatened, Joram, king of Judah, with a severe punishment: 'Behold, the Lord will bring a great plague on your people, your children, your wives and all your possessions and you yourself will have a severe sickness with a disease of your bowels, until your bowels come out because of the disease, day by day.' (2 Chron. 21, 14f) Even Job's disease, though directly and expressly attributed to Satan, did not come upon him without God's permission. Satan accused Job of insincere and selfish religiosity. He said to God: 'Does Job fear God for nought? Hast thou not put a hedge around him and his house and all that he has, on every side? Thou hast

blessed the work of his hands, and his possessions have increased in the land. But put forth thy hand now, and touch all that he has and he will curse thee to thy face.' And so Job lost his sons and daughters and all his possessions, but still he held fast to his integrity. Having lost the first urn, Satan tried another one accusing Job on other grounds: 'Skin for skin. And all that a man has he will give for his life. But put forth thy hand and touch his bone and his flesh, and he will curse thee to thy face. And the Lord said to Satan: Behold, he is in your power; only spare his life.' (1,9-2,6) Therefore, although Satan is represented as the real author of Job's adversity, it was God himself who permitted Satan to ill-treat Job, and consequently God is, though indirectly the real cause of Job's disease.

In the NT we find no such imputation to God. And the reason is obvious. A part of the messianic mission of Christ was the healing of all sort of diseases. To those who were sent by John the Baptist to inquire whether Christ was the Messiah or not, Christ instead of giving direct answer, worked in their presence many miracles and healed many sick people and said to John's disciples: 'Go and say to John what you have seen.' In other words: Yes I am the Messiah, and these miracles and healings bear evidence to my mission... Therefore, how could God expressly permit disease to ravage mankind when He sent his own son on earth to deliver mankind from disease? Christ's mission was exactly the fulfilment of Isaiah's prophecy: 'He took our infirmities and bore our diseases.' (Matt. 3, 17)

Now, and this is the core of the problem: How are we to explain the different behaviour of God in the O and N. Testament? God of the OT represented as a vindictive God, the author of all sort of diseases and of death itself, while God of the NT is described as a merciful God, the healer of all disease and the author of life? There was a time when the heretic Marcion believed in two Gods, the God of the NT, who was a benevolent God, and the God of the OT, who was a malevolent God.

But we need not have recourse to such a duality in order to account for God's apparently contradictory attitude. The Israelites strongly believed in God as the supreme ruler of the world. He is the author of life and death. He directs the events of man's life and the events of history according to a definite plan. Man is absolutely powerless against God. God is holy, he delights in righteousness and rewards good deeds; but he hates wickedness and punishes the wicked. This unshakable belief in God rings persistently throughout all the pages of the Israelite

literature. After the Israelites had crossed the Red Sea, Moses burst out in a triumphant song to God:

Who is like thee, O Lord, among the gods?
 Who is like thee, majestic in holiness,
 Terrible in glorious deeds, doing wonders?
 Thou didst stretch out thy right hand,
 The earth swallowed them.

And in his last song in Deut. 32 Moses solemnly affirms:

The most high gave to the nations their inheritance,
 He separated the sons of men,
 He fixed the bounds of the peoples,
 According to the number of the sons of God.

and again:

See now that I, even I, am he,
 And there is no God beside me,
 I kill and I make alive,
 I wound and I heal,
 And there is none that can deliver out of my hand.

God's absolute power is again celebrated by Hannah:

The God kills and brings to life,
 He brings down to the Underworld and raises up,
 The Lord makes poor and makes rich,
 He brings low, he also exalts,
 He raises up the poor from the dust,
 He lifts the needy from the ash heap,
 To make him sit with princes,
 And inherit a seat of honour.
 For the pillars of the earth are the Lord's,
 And on them he has set the world.

At the end of the long discussion with his friends, Job concludes:

I know that thou canst do all things,
 And that no purpose of thine can be thwarted.

Sirach writes:

The government of the earth is in the hands of the Lord,
And over it he will raise the right man for the time.

Deutero-Isaiah particularly emphasises God's supremacy and his absolute power to shape out the course of history. Let us listen to his doctrine:

Behold, the nations are like a drop from a bucket,
And are accounted as the dust on the scales,
Behold, he takes up the isles like fine dust.
Lebanon would not suffice for fuel,
Nor are its beasts enough for a burnt offering.
All the nations are as nothing before Him.
They are accounted by him as less than nothing and emptiness.
It is he who sits above the circle of the earth,
And its inhabitants are like grasshoppers,
Who stretches out the heavens like a curtain,
And spreads them like a tent to dwell in;
Who brings princes to nought,
And makes the rulers of the earth as nothing; Thus says the Lord,
Who created the heavens and stretched them out,
Who spread forth the earth and what comes from it,
Who gives breath to the people upon it,
And spirit to those who walk in it:
I am the Lord, that is my name;
My glory I give to no other, nor my private to graven images:
Behold, the former things have come to pass,
And new things I now declare,
Before they spring forth, I tell you of them. (ch. 40, *passim*)

As a consequence of this belief the Israelites, whose medical knowledge was very rudimentary, attributed to God those diseases whose causes they did not know. This was a common belief in all the ancient Near East. Disease was due to the agency of evil spirits. To ward off and to heal diseases the Babylonians had a complicated system of incantations which have come down to us in innumerable texts. Insanity, which we call *genn*, was believed to be the effect of a *jinn* which enters man and deranges his mental power. Traces of this belief occur in the Bible. Saul's illness, certainly a mental disease, is attributed to an evil spirit coming from God. Job's disease too was caused by Satan.

In the NT we hardly have any allusion to evil spirits causing diseases, but we have many cases of demoniac obsession accompanied by epilepsy, dumbness, deafness and other diseases. But the bent woman, of whom Luke speaks in 13, 11-16, is said to have had a spirit of infirmity (v. 11) which in v. 16 is called Satan. This is a case in which a disease is attributed to Satan, though without any demoniac obsession.

Another point deserves consideration. According to Jewish mentality, an event, instead of being attributed to its immediate cause, is sometimes referred directly to God, who in reality is only its indirect cause. Thus God is said to have hardened Pharaoh's heart. In Exod. 4,21 God says: 'I will harden his heart, so that he will not let the people go', And again in 7, 3 we read: 'I will harden Pharaoh's heart, and though I multiply my signs and wonders in the land of Egypt, Pharaoh will not listen to you.' This means that God had foreseen Pharaoh's obstinacy and permitted it for particular reasons. In fact God said to Moses: 'I know that the king of Egypt will not let you go unless compelled by a mighty hand. (Exod. 3, 19) And God made Pharaoh harden his heart in order to make his mighty deeds and therefore his strong power known to the Egyptians and to all future generations of the Israelites. 'Go to Pharaoh' said the Lord to Moses, 'for I have hardened his heart and the heart of his servants, that I may show these signs of mine among them, and that you may tell in the hearing of your son and of your son's son how I have made sport of the Egyptians and what signs I have done among them; that you may know that I am the Lord.' (Exod. 10, 1f)

Disease and physical pain is not only foreseen and permitted by God; sometimes it is directly and positively intended as a punishment of sin. God punished with blindness the men who wanted to abuse the foreigners who were lodged in Lot's house. (Gen. 19, 11) Sterility was the punishment of Abimelech's wife and female slaves, for the rape of Sarah, Abraham's wife. (Gen. 20, 18) God afflicted the Philistines with tumors for having captured the ark. (1 Sam. 5, 6)

David's son born of the unlawful union with Bathseba, was struck by the Lord, and died as a punishment of David's sin. (2 Sam. 12, 15) Azariah, king of Judah, was punished with leprosy for arrogating the priestly right of burning incense to the Lord. (2 Kings 15, 5) Job's book is a discussion of the problem whether disease and physical suffering are always a punishment for sin. While Job's friends argue for the affirmative, and exhort Job to repent of his sins and make atonement for them, Job protests his innocence. We find an echo of this belief even in NT times.

Christ's disciples, on seeing a blind man from his birth, asked him: 'Rabbi, who sinned, this man or his parents, that he was born blind?' (John 9, 2) So common was the belief that disease was the punishment of sin. And even the Apostles could punish a man for his sins. In the Acts of the Apostles, we read that when Paul and Barnabas, announced the Christian Faith in Cyprus, 'Elymas the magician withstood them seeking to turn away the proconsul from the faith. But Saul, who is also called Paul, filled with the Holy Spirit, looked intently at him and said: 'You son of the devil, you enemy of all righteousness, full of all deceit and villainy, will you not stop making crooked the straight paths of the Lord? And now, behold, the hand of the Lord is upon you, and you shall be blind and unable to see the sun for a time. Immediately mist and darkness fell upon him and he went about seeking for people to lead him by the way.' (13, 18-11)

The belief that disease and physical suffering are or may be the punishment of sin is based on the teaching of God himself. In order to induce more effectively his people, the Israelites, who were yet moving the first steps in the way of religious life, God promises to reward the observance of the law with all sort of temporal blessings, but threatens the transgressors with severe temporal punishments. This was divine pedagogy which adapted the teaching to the mentality, to the needs and exigencies of an uneducated people. Does not a mother try to induce her child to obedience by promising sweets and threatening beatings? Let us listen to God exhorting the Israelites to observe the Law: 'If you walk in my statutes and observe my commandments and do them, then I will give you rains in their season, and the land shall yield its increase, and the trees of the field shall yield their fruit. . . . But if you will not hearken to me and will not do all these commandments. . . . I will do this to you, I will appoint over you sudden terror, consumption, and fever that waste the eyes and cause life to pine away. . . . Then if you walk contrary to me, and will not hearken to me, I will bring more plagues upon you sevenfold as many as your sins. . . . And if by this discipline you are not turned to me, but walk contrary to me, then I also will walk contrary to you, and I myself will smite you sevenfold for your sins . . . and I will send pestilence among you, and you shall be delivered into the hand of the enemy.' (Lev. 26, 3-26)

And again in the last hortatory speech in Deuteronomy 28: 'And if you obey the voice of the Lord your God, being careful to do all his commandments which I command you this day, the Lord your God will set you

high above all the nations of the earth. And all these blessings shall come upon all of you and shall overtake you, if you obey the voice of the Lord your God... But if you will not obey the voice of the Lord your God, or be careful to do all his commandments and his statutes which I command you this day, then all these curses shall come upon you and overtake you... The Lord will make the pestilence cleave to you until he has consumed you off the land which you are entering to take possession of. The Lord will smite you with consumption and with fever, inflammation and fiery heart heat and with drought... The Lord will smite with madness and blindness and confusion of mind... The Lord will smite you on the knees and on the legs with grievous boils of which you cannot be healed, from the sole of your foot to the crown of your head... All these curses shall come upon you and pursue you and overtake you, till you are destroyed, because you did not obey the voice of the Lord your God to keep his commandments and his statutes which he commanded you. They shall be upon you as a sign and as a wonder, and upon your descendants for ever'. (28, 1-46)

We may add God's admonition to the Israelites during the first days of their journey in the desert: 'If you will diligently hearken to the voice of the Lord thy God, I will take sickness away from the midst of you'. (Exod. 23, 25)

What we have been saying about disease may be applied to healing. Both disease and healing are generally attributed to God. It is God who causes disease and it is God who heals, hardly is any mention made of natural causes of disease or of natural remedies against disease. On two occasions only we find allusion to oil and wine as lenients and medicaments. The prophet Isaiah describes the sin-laden nation of Israel as a man whose 'whole hand is sick, and the whole heart faint. From the sole of the foot even to the head, there is no soundness in it, but bruises and sores and bleeding wounds; they are not pressed out, or bound up, or softened with oil.' (1, 6) And the good Samaritan of the parable seeing a man wounded and half-dead, 'went to him and bound his wounds, pouring in oil and wine.' (Luke 10, 34) Isaiah prescribes a fig plaster to King Hezekiah, 'Bring a cake of figs and let them lay it on the boil, that he may recover.' (2 Kings 20, 7; Isa. 38, 21) St. Paul recommends to Timothy the use of a little wine for his stomach troubles. (1 Tim. 5, 23) But healing is generally represented as the effect of God's immediate intervention. Thus Miriam was healed from leprosy at the intercession of her brother Moses. (Num. 12, 13f) The serpent-bitten

Israelites in the wilderness were healed by looking at the bronze serpent which Moses had set up on a pole. (Num. 21, 9)

King Jeroboam's hand, which had become paralysed, was restored at the intercession of a prophet. (1 Kings 13, 6) The commander of the king's of Syria army was cured from leprosy by washing in the river Jordan 'according to the commandment of the man of God.' (2 Kings 5, 14) Heliiodorus, the commander of the army of king Appolonius, sent by the king to plunder the treasures and the temple of Jerusalem, was smitten by God with paralysis and healed by God at the intercession of the high-priest Onias. (2 Macc. 3, 32-34) In the NT Christ heals even incurable diseases by touch or simply by his word without any medical treatment. To a leper he said: 'Be clean', and immediately his leprosy was cleansed. (Matt. 8, 3) To a centurion, whose servant or official was lying paralysed, Christ said: 'Be it done for you as you have believed. And the servant was healed at the very moment this was said'. (Matt. 8, 13) As soon as Jesus touched the hand of Peter's mother-in-law, who was lying sick with fever, the fever left her and she rose up from her bed. (Matt. 8, 14) To a paralytic lying on his bed he said: 'Rise take up your bed and go home. And he rose and went home.' (Matt. 8, 6f) He healed two blind men by touching their eyes and saying: 'According to your faith be it done to you.' (Matt. 9, 29) If in some cases Christ made use of some natural remedies as when he anointed the blind man's eyes with clay made of his spittle, and bade him wash in the pool of Siloam. (John 9, 6f) On another occasion Christ healed a blind man by spitting on his eyes and laying his hands upon his eyes. (Mark 8, 23-25) But such remedies, which were apt to aggravate rather than to alleviate or cure disease, were intended by Christ not so much to heal a disease as to excite the patient's faith and render him worthy to receive the benefit of a miraculous healing. In fact the only condition which Christ required of his patients was that they should believe in him and in his divine mission.

Looking more closely into the conception of disease and healing in biblical times, we notice a close relation between this disturbing factor of men's happiness on earth and the general plan of divine providence in relation to man's ultimate end. God created man in a state of innocence and happiness. Man was free from any internal impulse to sin. His lower nature was entirely subject to his higher faculties. At the same time he was also free from all physical ills. He was not subject to death and disease. Though mortal man had the extraordinary privilege of immor-

tality, and he would have fully enjoyed it, had he been obedient to God. But man was not faithful to God; and he disobeyed and lost all his privileges. He became subject to death and disease. The tragic story of this is told in the 3rd chapter of the book of Genesis. We read in the book of Wisdom (1,13), that God did not create death; He made man to live for ever; it was the devil who introduced death into the world.

'God did not make death . . . He created man for incorruption, and made him in the image of his own eternity, but through the devil's envy death entered the world, and those who belong to his party experience it.' (Luke 13, 23, 24) Of all the hardships and miseries that became man's lot on earth as the consequence of sin the writer of Genesis mentions only two that are characteristic of each of the two sexes: the pains of childbirth and the hard work of man to earn his living. But the most disastrous effect of man's first sin was that its consequences were to pass on to all his posterity till the end of the world. This conception of pain, suffering, toil, disease and death itself runs through all the pages of the Bible. But in order to comprehend better how the personal sin of a single man could be considered as passing on to all his posterity, we must consider another aspect of the Israelites' mentality. Man is a member of a group with which he is bound with family, tribal and national bonds forming a domestic, social and national unit. Man, as we know from experience is a member of his own family; he is a member of his tribe, of a whole nation, of the whole human race. This union of the individual with his group is called 'corporate personality' or 'corporate solidarity' and it was strongly developed in all the Ancient Near East. Thus Lot was saved from the catastrophe of Sodom together with his two daughters. The sin of Abimelech who took Abraham's wife was punished with the sterility of the king's wife and all her female slaves: and they were all healed through Abraham's intercession. Abraham's obedience to God was rewarded with a numerous offspring. All the firstborn of Egypt were punished with death for the sin of Pharaoh alone. In the third commandment God commands the Israelites, as one people and one person, to keep the Sabbath holy. Korah and his companions were punished together with their households for the sin of one of them. Achan, together with his sons and daughters and all he had, were stoned to death and burned with fire in penalty of Achan's sin who had transgressed the covenant of the Lord by appropriating to himself some of the spoil of the Canaanites. In Prov. 20, 7 the principle is enunciated:

A righteous man who walks in his integrity,
blessed are his sons after him.

in Ps. 112, 1:

Blessed is the man who fears the Lord,
who greatly delights in his commandments;
His descendants will be mighty in the land,
the generation of the upright will be blessed.

And again in Ps. 25, 12f

Who is the man who fears the Lord
He himself shall abide in prosperity,
and his children shall possess the land.

The principle of solidarity is acknowledged by God himself. In the decalogue, after the prohibition of idolatry, the text continues: 'I am the Lord thy God, visiting the iniquity of fathers upon the children to the third and fourth generation of those who hate me, but showing mercy to thousands of those who love me and keep my commandments.' In the light of these considerations on solidarity we can better understand how the consequences of man's first sin, hardships, toil, miseries, sickness and death are shared by all mankind which together with its head and representative forms a closely knit natural unit.

But solidarity and collective responsibility, which involves the suffering of the guiltless, does not provide a complete solution of the problem of disease. Individual responsibility is a fact which must absolutely be taken into consideration if we wish to have an adequate idea of the biblical doctrine of suffering. The Israelites, since Patriarchal times, recognised individual responsibility and admitted it in their legislation. Thus 'Whoever strikes his father and his mother shall be put to death;' (Exod. 21, 15) 'Whoever steals a man... shall be put to death;' (Exod. 21, 16); 'Whoever curses his father or his mother shall be put to death.' (Exod. 21, 17) In all these cases the posterity of the criminal is not involved in the punishment, which is merely personal. The doctrine of personal responsibility is clearly formulated in the book of Ezechiel, Chapter 18: 'Behold, all souls are mine; the soul of the father as well as the soul of the son is mine: the soul that sins shall die. If a man is righteous and does what is lawful and right... if he walks in my commandments and is careful to observe my ordinances, he is

righteous, he shall surely live, says the Lord God. But if he gets a son who is a robber, a murderer... he shall not live... he shall surely die. But if he begets a son who sees all the sins which his father has done and fears, and does not do likewise... he shall not die for his father's iniquity; he shall surely live. Yet you say: Why shouldn't the son suffer for the iniquity of the father? Because the son has done what is lawful and right, and has been careful to observe and do my commandments, he shall surely live. The soul that sins, shall die. The son shall not suffer for the iniquity of the father, nor the father suffer for the iniquity of the son. The righteousness of the righteous, shall be upon himself, and the wickedness of the wicked shall be upon himself.'

Individual responsibility does not entail the abolition of corporate responsibility. Man is by nature a social being. This necessarily involves corporate personality and corporate responsibility. Ezechiel, therefore, did in no way eliminate corporate or collective responsibility; he only emphasises individual personality in order to correct some false conceptions of his contemporaries as regards their culpability or that of their fathers.

But neither corporate nor individual responsibility adequately solves the problem of human suffering. How many were and are those who bear great sufferings through no fault of theirs and through no fault of their parents or of their countrymen. And how many people deserve the severest punishment for their misdeeds, and yet passed all their lives in happiness and prosperity? The sufferings which the prophet Jeremiah had to endure at the hands of his countrymen are a clear illustration of this truth. Let us listen to his outbursts of agony and despair: 'Woe is me, my mother, that you bore me, a man of strife and contention to the whole land. I have not lent, nor have I borrowed, yet all of them curse me.' (15, 10) And on another occasion the prophet complains: 'Righteous art thou O Lord, when I complain to thee; yet I plead my case before thee. Why does the way of the wicked prosper? Why do all those who are treacherous thrive? Thou plantest them and they take root, they grow and bring forth fruit; thou art near in their mouth and far from their heart. But thou, O Lord knowest me; thou seest me and triest my mind toward thee. Pull them out like sheep for the slaughter and set them apart for the day of the slaughter. How long will the land mourn and the grass of every field wither? For the wickedness of those who dwell in it the birds and beasts are swept away because men said: He will not see our latter end.' (12, 1-4) The whole book of Job is a heated contest

between innocence and suffering, between a man who is not conscious of any sin and yet smarting under the most dreadful pain and his friends who accuse him of the most grievous sins.

The suffering of the innocent was a part of God's providence and a way by which God intended to lead man to the revelation of the doctrine of final retribution. As God had once promised temporal blessings to those who would keep his commandments in order to induce them more effectively to the observance of his law, so at a later period he permitted the faithful observers of his law to suffer temporal physical pain in order to excite in them the hope of a better retribution in a future life. The Israelites believed that God was just and that He would never leave sin unpunished nor virtue unrewarded. How is it possible, then, that the pious suffer in this world and the wicked prosper? 'Why does the way of the wicked prosper? Why do all who are treacherous thrive?' (Jer. 12, 1) The answer is given in Ps. 73, 27:

Those who are far from thee shall perish;
 Thou dost put an end to those who are false to thee.
 But for me it is good to be near God,
 I have made the Lord God my refuge.

The doctrine of final retribution was gradually revealed in the OT. The first stage consisted in a temporal retribution of good and evil; this was only an initial step. The next step consisted in throwing doubt upon the credibility of temporal retribution. How could it be true that retribution was merely temporal when God himself allowed the pious to suffer and the wicked to prosper. And yet God was infinitely just. There must, therefore, be a place and a time where and when everyone will receive just retribution for all his deeds. And this place is future life. It is in the latest books of the OT that we find the doctrine of final retribution fully revealed. Thus we read in the book Wisdom:

But the souls of the righteous are in the hand of God,
 and no torment will ever touch them,
 In the eyes of the foolish they seemed to have died,
 And their departure was thought to be an affliction,
 And their going from us to be their destruction;
 But they are at peace.

For though in the sight of men they were punished,
 Their hope is full of immortality,

Having been disciplined a little, they will receive great good,
 Because God tested them and found them worthy of himself;
 Like gold in the furnace he tried them,
 And like a sacrificial burnt offering he accepted them.

In the time of their visitation they will shine forth,
 And will run like sparks through the stubble,
 They will govern nations and rule over peoples,
 And the Lord will reign over them for ever.
 Those who trust in him will understand truth,
 And the faithful will abide in him in love,
 Because grace and mercy are upon his elect,
 And he watches over his holy ones.

But the ungodly will be punished as their reasoning deserves,
 Who disregarded the righteous man and rebelled against the Lord,
 For whoever despises wisdom and instruction is miserable,
 Their hope is vain, their labours are unprofitable,
 And their works are useless.

This is the true solution of the problem of disease and the suffering of the innocent. All is not finished with this life. Though man may suffer in this world, there is another world where the just man will enjoy for ever the reward of his virtuous life. It was this hope of a future recompense in heaven that gave strength to innumerable martyrs who suffered the most dreadful ordeals. It is this same hope of eternal happiness in heaven that sustains so many sick people amidst the most distressing pain of the death-bed. Viewed in this light disease and death itself cease to be a punishment of sin, but become a purification of past sins, a deliverance from a wicked world and the entrance into the eternal home in heaven.

The theological meaning of Christ's miraculous healings is quite different. Christ's miracles were a proof of his divine power, of his divine origin, of his divine mission and doctrine. That is why he always required faith in those whom he was about to heal. The centurion, whose servant was lying paralysed, believed that Christ could heal him from a distance, and Christ praised his faith: 'Truly, I say to you, not even in Israel have I found such faith.' (Matt. 8, 10) To the woman suffering from a hemorrhage Christ said: 'Take heart, daughter, your faith has made you well.' (Matt. 9, 22) To two blind men imploring his mercy he said: 'Do you believe that I am able to do this?' And they replied:

'Yes Lord.' And immediately their eyes were opened. (Matt. 20, 30-34)

It must be strongly emphasised that the faith required by Christ in his patients was not merely trust in his extraordinary power, it was the belief in his divine power and origin. Christ could heal all sort of disease because he was God and had a divine power. The Canaanite woman, who was not one of the people of Israel, entreated Christ to heal her daughter who was possessed by a demon. Christ refused her request rather rudely, but she persisted in her request. At last Christ acceded to her petition as a reward to her faith. 'O woman,' he said to her, 'great is your faith. Be it done for you as you desire.' (Matt. 15, 22-28) Now what faith did the woman profess? The woman believed about the messianic mission of Christ, whom she addressed as the 'Son of David.' This was a messianic title. Therefore, the woman recognized Christ as the Messiah, and implored his help as God's envoy. It was this faith which Christ praised and rewarded. On another occasion Christ healed a blind man who had professed the same faith in Christ the Messiah. (Luke 18, 35-43) When the man blind from his birth received his sight, Christ asked him: 'Do you believe in the Son of Man?' And he answered: 'And who is he Sir, that I may believe in him? Jesus said to him: You have seen him and it is he who speaks to you. He said: Lord, I believe; and he worshipped him.' (John 9, 35-38) The man healed from blindness not only believed in the messianic mission of Christ, but manifested externally his faith by an act of adoration. We find the same faith in Martha, the sister of Lazarus of Bethany. After the death of Lazarus, Christ consoling her said to her: 'I am the resurrection and the life; he who believes in me, though he die, yet shall he live, and whoever lives and believes in me shall never die. Do you believe this?' She said to him: Yes, Lord, I believe that you are the Christ, the Son of God.' (John 11, 25-27) This is the faith which Christ demanded of those whom he was about to heal, a firm belief in his divine origin and mission and not merely a confident reliance on his extraordinary powers.

Winding up this brief exposition we conclude by saying that disease and healing are the effect of natural causes, but in the Bible they are represented as the effects of God's intervention. Disease is the punishment of sin; sometimes, however, it serves to lead man to the belief of a retribution in the future life. In the NT disease is always the result of natural causes, but healing is the work of Christ-God and an irrefutable proof of Christ's divinity and messianic mission.

CASUS CANONICO-MORALIS

DE PAROCHO ABSOLVENTE ET MATRIMONIO ASSISTENTE

ANTONIUS et Paula sponsi sunt. Sponsus est ex dioecesi A, dum sponsa ex dioecesi B. Ambo sponsi matrimonium celebrare volunt in aliquo sanctuario in dioecesi B sito. Huic tamen matrimonio assistit parochus sponsi apud quem ipse sponsus, Antonius, immediate ante celebrationem matrimonii, et quidem coram invitatis, in sanctuario confessionem instituit, in qua confessione se accusat de abortu cum sponsa commisso.

Confessione peracta, statim sponsa eiusque mater ad idem confessionalem apud eundem parochum accedit ad confessionem peragendum in qua, inter alia, sponsa et mater dicunt inter sponso existere impedimentum consanguinitatis in tertio gradu lineae collateralis.

QUAERITUR:

- I. Utrum parochus Antonii sponsi matrimonio huic, per se, valide assistere potuerit?
- II. Utrum idem parochus confessionem sponso in dioecesi B audire potuerit?
- III. Utrum igitur absolutio sponsae eiusque matri data valida sit necne?
- IV. Utrum sponso absolvere potuerit a peccato abortus?
- V. Utrum idem parochus dispensare potuerit ab impedimento consanguinitatis inter sponso existente?
- VI. Utrum tandem matrimonium de quo supra validum sit necne?

SOLUTIO:

AD I. Vi canonis 1094 et 1095 ad assistendum matrimonio soli competentes sunt ordinarius et parochus loci vel sacerdos ab alterutro delegatus, intra fines dumtaxat sui territorii.

Sub praesenti ergo disciplina non est ordinarius vel parochus¹ proprius sponso qui assistere debet matrimoniis sicuti statutum erat a

¹Nomine *parochi* intelligitur 'Sacerdos vel persona moralis cui parocchia collata est in titulum cum cura animarum sub Ordinarii loci auctoritate exercenda'. Parochus aequiparantur (a) *quasiparochi*, (b) *vicarii parocchiales*, si plena potestate praediti sint, nempe (i) *vicarii actuales* (Can. 471, §4), (ii) *vicarii oeconomii* (Can. 473, §1), (iii) *vicarii substituti*, nisi Ordinarius loci vel parochus matrimonii assistentiam prohibuerit (Can. 474), (iv) *vicarii adiutores* qui in omnibus parochi vicem gerant (Can. 475, §2). Can. 451.

Concilio Tridentino² usque ad decretum 'Ne Temere'³ sed parochus vel ordinarius loci infra cuius limites fit, adeo ut coram ipsis tantum, vel coram sacerdote ab alterutro delegato, matrimonium valide contrahi potest, et quidem nedum suorum subditorum sed etiam non subditorum. Itaque principium competentiae territorialis, in omnibus codicibus civilibus statutum, in iure canonico nunc est receptum.⁴

Unde sequitur parochus et ordinarius non posse valide matrimonio assistere suorum subditorum extra limites paroeciae suae vel respective dioeceseos, nisi saltem delegationem obtineat a parochi vel ordinario qui valide assistere possunt matrimonio. Sequitur etiam quod sive parochus sive ordinarius valide assistere possunt matrimonio extraneorum dummodo matrimonium celebretur intra fines sui territorii⁵ etiam insciis aut invitis parochis, etsi hoc non expediat sine iusta causa.

Ex his dictis nunc liquide patet parochum Antonii sponsi per se valide assistere non potuisse matrimonio celebrato in sanctuario in dioecesi B sito. Sanctuarium enim est extra limites territorii parochi A, i.e. sponsi. Neque rector dicti sanctuarii ius aliquod habet praedicto matrimonio assistendi, nisi saltem delegationem, sive in scriptis sive oretenus⁶ ab ordinario vel parochi loci B obtineat.

Dixi supra *per se* quia utrum hoc matrimonium validum sit necne videbimus loco suo ad VI.

AD II. Antequam responsum demus huic quaesito iuvat quaedam

² Forma celebrationis matrimonii a Concilio Tridentino statuta est haec: '... praesente parochi (nempe proprio sponsorum), vel alio sacerdote de ipsius parochi seu Ordinarii licentia et duobus vel tribus testibus'. Cfr. Decr. *Tametsi*, sess. 24, c. 1 *De Ref. Matrimonii*.

³ Ut videntur intricatae difficultates quae sub disciplina tridentina frequenter insurgent, forma tridentina per decretum *Ne Temere*, diei 2 Aug. 1907, quod tamen vim accepit habere die Paschatis anni sequentis, i.e. a die 19 Aprilis 1908, mutata fuit uti sequitur: '... coram parochi invitato et rogato loci (ergo non necessario proprio) et testibus'. Quod idem reservatum fuit a C.I.C. paucis opportune additis vel immutatis, i.e. '... coram parochi vel loci Ordinario, vel sacerdote ab alterutro delegato et duobus saltem testibus...' (Can. 1094).

⁴ CHELODI J.: *Ius matrimoniale*, Tridenti, 1921, n. 132, c.

⁵ Fines territorii attendendi sunt physice et non moraliter quia distantia etiam unius passus potest reddere nullum matrimonium. Cfr. CAPPELLO. F.: *Summa Iuris Canonici*, Romae, 1945, II, n. 386, 3.

⁶ In casu necessitatis peti et dari licite potest etiam per telegraphum aut per telephonum. Cfr. GASPARRI P.: *De Matrimonio*, ed ix, 1932, n. 930.

principia referre quae cum casu nostro proximam relationem habent. Et quidem:

1. Ad confessiones valide excipiendas requiritur iurisdictio sive ordinaria, sive delegata, eaque scripto vel verbis expressa, concessa.⁷ Prima illa 'est quae ipso iure adnexa est officio; delegata, quae commissa est personae'.⁸

2. 'Ordinaria iurisdictio ad confessiones excipiendas pro universa Ecclesia, praeter Romanum Pontificem potinatur S.R.E. Cardinales; pro suo quisque territorio ordinarius loci, et parochus, aliique qui loco parochi sunt'.⁹ Hac eadem iurisdictio gaudent etiam canonicus poenitentiarius ecclesiae quoque collegiatae, ad normam canonis 401, §1, et superiores religiosi exempti pro suis subditis, ad normam constitutionum'.¹⁰

3. Qui iurisdictioem sive ordinariam sive delegatam habet, potest in illo territorio, omnes absolvere qui accedunt, sive saeculares sive religiosos sive peregrinos sive vagos sive fideles ritum orientalium.¹¹

4. Qui ordinariam absolventi potestatem habent possunt subditos absolvere ubique terrarum.¹² Qui ergo delegatam habent non possunt valide illam exercere extra territorium pro quo concessa est, quia territorialis est.¹³

His principiis iuridicis prae oculis habitis, affirmamus parochum sponsi libere potuisse confessionem Antonii audire in dioecesi sponsae quia ipse gaudet iurisdictioem ordinaria, etsi pro foro interno etiam

⁷ Can. 879.

⁸ Can. 197, §1.

⁹ Can. 451 et nota (1).

¹⁰ Can. 873, §1, 2. Notandum est quod qui iurisdictioem ordinariam habet eam aliis delegare potest, nisi a iure expresse prohibeatur (Can. 199, §1). Igitur Cardinales, parochi, poenitentarii ecclesiae cathedralis vel collegiatae non possunt iurisdictioem delegare. Pro Cardinalibus constat ex Can. 874, §1 et ex responso C.P.I. diei 16 Oct. 1919 (A.A.S., XI, 1919, p. 477, n. 3) et pro Canonico poenitentiario ex Can. supra citato, i.e. 401, §1. Qui vero delegatam habet, nisi expresse habeat facultatem subdelegandi, non potest aliis illam subdelegare quia intuitu personae censetur data uti ex Can. 877, §1, 2 patet.

¹¹ Can. 881, §1.

¹² Can. 881, §2. Etsi condioeceseani canonici poenitentarii proprie subditi dici nequaeunt possunt ab eo ubique absolvi.

¹³ Huic regulae fit triplex exceptio, scilicet (i) si potestas delegata sit a S.S.; (ii) si delegata sit ad universalitatem causarum vel negotiorum; (iii) si delegata sit cum concessione expressa subdelegandi. Nulla subdelegata potestas potest iterum subdelegari, nisi id expresse concessum fuerit. Can. 199.

extrasacramentali restricta,¹⁴ in sua paroecia quaeque ubique terrarum exerceri potest cum propriis subditis, uti dictum est numero 4.

Dixi *in sua paroecia* quia extra paroeciam parochus iurisdictione delegata fruitur in omnes fideles non parochianos qui in tota sua dioecesi confiteantur. Et haec iurisdictionem delegatam parochus obtinet ab ordinario proprio vel quando ad confessiones audiendas ab illo adprobatur vel quando tamquam parochus nominatur et instituitur, nisi contrarium expresse statuatur.

Sed ex eodem n. 4 constat etiam parochum non potuisse confessionem sponsae eiusque matris, et coeterorum fidelium dioecesis sponsae, valide audire. Ratio clara est, quia pro dioecesi sponsae parochus omni iurisdictioni carebat, nisi saltem delegatus esset ab ordinario dioecesis sponsae, quae delegatio acquiri etiam potest vi vigentis consuetudinis. Delegatio *tacita* non sufficit quia directe opponitur delegationi *expressae*, de qua in n. 1. Nota tamen quod vocabulum *expresse* non est idem ac *explicite*, aliis verbis non requiritur formula concessionis *explicita*, sufficit *implicita*. Sic si Episcopus aliquem sacerdotem ad exercitia spiritualia tradenda sacerdotibus mittit, eo ipso ei concedit facultatem audiendi eorum confessiones quia sacra missio concipi nequit sine peccatorum confessione. Neque delegatio *praesumpta* sufficit quia requiritur iurisdictioni actu et absolute existens consensu actuali, signo aliquo declarato.¹⁵

AD III. Etsi parochus de quo in casu sine ulla iurisdictione, nec ordinaria nec delegata, confessionem sponsae eiusque matris exceperit, dicendum non est absolutionem ab eo datam invalidam fuisse. Ratio est quia 'In errore communi aut in dubio positivo et probabili sive iuris sive facti, iurisdictionem supplet Ecclesia pro foro tum extemo tum interno'.¹⁶

Error communis alius est *de facto*, alius *de iure*. Dicitur *de facto* quando in aliquo loco multi (notabilis pars) de facto errant, affirmant scilicet illud quod de facto non est, v.g. populus putat Titium sacerdotem parochum esse qui revera non est; *de iure* dicitur quando fundamentum publicum habetur quod de se aptum sit ad gignendum errorem in pluribus quamvis de facto unus tantum erret, v.g. si sacerdos iurisdictione

¹⁴ A. CORONATA M.: *Institutiones Iuris Canonici*, 1928, Taurini, I, n. 480.

¹⁵ IORIO-TUMMOLO: *Compendium Theologiae Moralis*, Neapoli, ed iv, II, n. 536, Q. 4.

¹⁶ Can. 209.

carens se sistat in loco ad confessiones recipiendas destinato vel electo tempore quo confessiones audiri solent. Qualis ex istis duobus erroribus requiritur ut Ecclesia iurisdictionem suppleat? Usque ad haec ultima tempora theologi divisi erant,¹⁷ sed recentiores fere omnes concordant sufficere errorem communem de iure. Canon enim 209 non distinguit; cur ergo debemus nos distinguere?¹⁸ Finis insuper legislatoris in condendo hunc canonem fuit controversias circa rem existentes dirimere ne anxietatibus ansa praebeatur. Requidem vera passim apparent practica criteria a nonnullis auctoribus adducta de numero eorum qui in loco in errore versantur, v.g. quod deberet esse *omnes* vel *fere omnes illius loci fideles*, vel *plerique fideles illius loci*, quae circumstantiae certe in magnis urbibus numquam verificarentur. Neque requiritur titulus *coloratus* ut olim ~~erte~~²⁰ Codicem; titulus *existimatus* sufficit.¹⁹

Ex alia parte certum est quod error privatus, h.e. *paucorum*, non sufficit. Igitur ubi *clare* et *positive* constat apud multos — paucis exceptis — et etiamsi fundamentum publicum de quo supra habeatur, aliquid esse iurisdictione destitutum, v.g. quia notorie excommunicatus vel suspensus etc., Ecclesia non supplet. Non fit enim locus coniecturae ubi veritas iam cognita est. Potest tamen error circa eandem personam esse communis in uno loco et privatus in alio.²⁰

His positis redeamus ad casum nostrum. Sponsum, ante celebrationem matrimonii, confessionem apud suum parochum instituit et quidem coram invitatis in sanctuario. En fundamentum quo alii inducti sunt in errorem putando nempe parochum iurisdictione ad confessiones *omnium* fidelium audiendas pollere. Hac falsa opinione facti tum sponsa tum mater ad confessionem apud eundem parochum accesserunt. Ecclesia, mater benigna, propter harum utilitatem iurisdictionem supplevit ne invalidae evaderent earum confessiones. Parochus igitur bene fecit illas admitten-

¹⁷ Vid. AA. eorumque argumenta pro alterutra sententia apud WILCHAS F.A., O.F.M.: *De errore communi in iure romano et canonico*, Romae, 1940, p. 194-5.

¹⁸ KELLY J.P.: *The Jurisdiction of the Confessor*, NEW York, 1928, p. 124. Cfr. etiam *Perfice Munus*, 1933, p. 25 et 1962, p. 286 ubi ANGLIOLINI aliquas validas observationes refert contra BENDER.

¹⁹ KELLY J.P., o.c., p. 120-1. Titulus *coloratus* est titulus in se quidem falsus sed tamen vere collatus a superiore et ideo praeseferens speciem tituli veri licet ex aliqua causa vitio occulto *nullitatis* laboret. Sic sacerdos qui simoniace renuntiatur parochus et ab Episcopo in paroecia constituitur habet titulum *coloratum*. Huic opponitur titulus *existimatus* qui a fidelibus adesse reputatur, licet non existat. Cfr. IORIO-TUMMOLO, o.c., I, n. 539.

²⁰ IORIO-TUMMOLO, I, et o.c.

do ad confessionem etiamsi forsitan hic et nunc scivisset necessaria iurisdictione in illas se carere. Non enim ipse nec in suum commodum supplet Ecclesia. Ergo parochus non solum non incurrit in suspensionem a divinis canone 2366 statutam, sed nequidem venialiter peccavit, quia pro auditione confessionis Antonii sponsi — unde error ortus est — parochus usus est iure suo. Coeterum non sine ratione sufficienti confessionem sponsae eiusque matris audivit parochus.²¹

AD IV. In Codice Iuris Canonici⁷ statuitur: 'Procurantes abortum, matre non excepta, incurrunt, effecto secuto, in excommunicationem latae sententiae ordinario reservatam, et si clerici sunt, praeterea deponuntur (Can. 2350, § 1).

In primis nomine abortus, sensu canonico, venit *eiectio foetus immaturi ex utero matris*.²² Immaturus censetur foetus ante septimum saltem incoeptum gestationis mensem. Itaque acceleratio partus, embryotom⁷¹⁸ico, craniotomia et aliae id genus operationes occisionem foetus ferentes nomine abortus non veniunt et ideo non subiacent poenis hoc canone statutis.²³

Procurantes abortum dicuntur illi qui directi, studiose seu de industria actione efficaci physica, ut veneno, aut morali, ut suasionem, terrore etc., causant abortum. Et quidem matre non excepta, et ita evanescit controversia quae olim erat apud auctores.²⁴

Hi omnes, praeter peccatum contra virtutem iustitiae, incurrunt in excommunicationem reservatam non Ordinario loci sed Ordinario cuilibet qui

²¹ Controvertitur inter auctores utrum ille qui *sine ratione sufficienti* Ecclesiam invitam cogeret ad iurisdictionem supplendam peccet lethaliter vel venialiter tantum. Cfr. KELLY J.P. o.c., p. 137-40. Sed probabile est illum venialiter tantum peccare, praeciso scandalo fidelium et contemptu ecclesiasticae auctoritatis, et ita non subiaccere poenae suspensionis de qua in Can. 2366. Cfr. IORIO-TUMMOLO, o.c. n. 540, Q. 15.

²² Poenalistae civiles abortum definiunt: *Violentam interruptionem processus physiologici maturationis foetus*. Differt ergo aliquatenus a notione abortus supra data. Cfr. PALMIERI V.M.: *Medicina legale-canonistica*, 1946, p. 296, 3, et A. CORONATA, o.c., IV, n. 2015.

²³ Qui foeticidium patrent sive per craniotomiam aut aliud simile medium, homicidium committunt et poenas homicidii profecto contrahunt. Cfr. Can. 2354, 1, et 985, n. 4.

²⁴ Sed mater excusatur a censura — non vero a peccato — si hoc egerit ex timore vel *metu gravi* ad normam Can. 2229, 3, n. 3. C.P.I. 30 Dic. 1937 (AAS, 1938, p. 73). Vid. *Periodica*, 1938, p. 162; *Appolinaris*, 1938, p. 180; et *Ius Pontificium*, 1938, p. 139.

nomine hoc venit in iure.²⁵ Praeterea fiunt irregulares ex delicto clerici.²⁶ Sed 'effectu secuto', i.e. (i) abortus *re ipsa* secutus sit, (ii) et *certo* illum ex medio adhibito, et non ex alia causa, secutus est. At de iure vigente non attenditur amplius utrum foetus *animatus* sit annon. Doctrina qua docebatur foetum masculinum animari post 40 et feminarum post 80 dies a conceptione absoleta et iamdiu antiquata est. Sufficit ut humanus sit, et quilibet foetus ex muliere natus humanus est, modo vivat.²⁷

Ad casum. Sponsus in confessione se accusat de abortu cum sponsa commisso. Ponamus sponso verum et completum delictum, iuxta praedicta, commisisse. Potestne parochus Antonii ambo sponso ab hoc peccato absolvere? Negative *per se*, quia peccatum abortus reservatum est ratione censurae adnexae et a censura reservata tantum potest absolvere vel ille qui eam fert vel ille cui reservatur a Codice vel ille cui datur facultas.

Neque in casu quis appellare potest ad Can. 900 quo quaevis reservatio cessat quando, praeter alios casus, agitur de confessione sponso matrimonii ineundi causa, quia hoc in canone agitur tantum de peccatis reservatis ratione sui et non de illis reservatis ratione censurae ut in casu nostro. Idem dicendum est quoad can. 899 §3 quo facultas datur parochis absolvendi toto tempore paschali a casibus Ordinario reservatis, quia etiam hoc in canone agitur de peccatis – probabiliter etiam cum censuris – quae *sibi a se* Ordinarii reservant.²⁸

Dantur tamen exceptiones iuxta quas absolvi possunt poenitentes et quidem: (i) si confessarius (in casu parochus) est religiosus exemptus et hoc vi privilegii apostolici Regularibus concessi;²⁹ (ii) si poenitens nescit peccato commisso adnexam esse censuram. Ignorantia enim simplex – non vero crassa vel supina et a fortiori affectata – excusat a poenis medicinalibus, non vero vindicativis;³⁰ (iii) in periculo vel

²⁵ Cfr. Can. 109.

²⁶ Can. 985, n. 4.

²⁷ Cfr., si vis, ampliorem expositionem huius delicti a Prof. TABONE datam in *Scientia*, XI (1945), n. 1, p. 27-37.

²⁸ Excipe naturaliter censuras *ab homine* aliasve per sententiam iudicalem inflictae vel declaratae. Cfr. IORIO-TUMMOLO, o.c., II, n. 560, Q. 2, N.B.

²⁹ Vi huius privilegii Regulares possunt absolvere a peccatis Episcopo reservatis a Codice et non ab illis reservatis *sibi a se*. Cfr. TABONE, o.c., p. 37.

³⁰ Can. 2229. Alia quaestio est ergo si ageretur de ignorantia quoad reservationem peccatorum sine censura, quia cum reservatio peccati rationem poenae non habeat, sed potius disciplinariae dicenda est, etiam ignorantes, iuxta saltem communioem sententiam, illam incurrunt. IORIO-TUMMOLO, o.c., II, n. 557.

articulo mortis et in casu urgenti. Casus urgens habetur si censura latae sententiae exterius servari nequeat sine periculo gravis scandali vel infamiae, aut si durum sit poenitenti in statu gravis peccati permanere per tempus necessarium ut superior competens provideat.³¹

His tribus exceptionibus prae oculis habitis quis negat parochum, de quo in casu, non potuisse absolvere sponso a peccato delicti abortus ratione saltem casus urgentioris? Nonne celebratio matrimonii urgebat? Ergo parochus bene se gessit, imponendo tamen sponsis onus, sub poena reincidentiae, recurrendi ad episcopum et standi eius mandatis.³² Notamus tamen quod rarus est casus in quo ipsi poenitentes recurrere possint et velint; quare confessarius, in casu parochus, ad episcopos sponso scribat eosque de absolutione a censura in casu urgentiori concessa doceat et petat mandata.³³

Dixi supra: 'Ratione saltem casus urgentioris' quia si sponsi dum delictum abortus committebant poenam ecclesiasticam delicto adnexam ignoraverint, excommunicationem non incurrebant. Hoc in casu parochus debuerat quidem illos monere de poena adnexa in posterum contrahenda, sed nulla obligatio imponenda est eis redeundi ad suscipienda mandata.³⁴

AD V. Inter sponso adest impedimentum consanguineitatis in tertio gradu lineae collateralis. Impedimentum hoc, etsi gradus minoris,³⁵ est dirimens, quod nempe 'graviter prohibet matrimonium contrahendum et impedit quominus valide contrahatur'.³⁶ Nisi ergo impedimentum inter sponso existens e medio tollatur per dispensationem, matrimonium invalidum evaderet.

Videbimus imprimis quid Codice statuitur circa auctorem dispensationis quia tunc solutio per se patebit.

Principium generale: Praeter Romanum Pontificem, nemo potest impedimenta iuris ecclesiastici... dispensare, nisi iure communi vel speciali indulto a S. Apostolica haec potestas concessa fuerit.³⁷

Ex hoc sequitur quod:

1. Romanus Pontifex, ex plenitudine suae potestatis, dispensare potest ab omnibus impedimentis ecclesiasticis, licet in quibusdam aut

³¹ Can. 2254.

³² Can. 2254.

³³ NOLDIN H.: *Summa Theologiae Moralis*, Oeniponti, ed. 31, 1957, III, n. 367, 4.

³⁴ *Perfice Munus!*, 1934, p. 341.

³⁵ Can. 1042, §1, n. 1.

³⁶ Can. 1036. §2.

³⁷ Can. 1040.

aegerrime aut numquam dispensat, valide semper, licite si de causa hoc faciat.

2. *Iure communi*: (a) Locorum Ordinarii et quidem (i) *in mortis periculo*, et a fortiori *articulo*, ad consulendum conscientiae et, si casus fuerit, legitimationi prolis, dispensare possunt tum super forma celebrationis matrimonii tum super omnibus et singulis impedimentis iuris ecclesiastici, sive publicis sive occultis, etiam multiplicibus, exceptis illis provenientibus ex sacro presbyteratus ordine et ex affinitate in linea recta, consummato matrimonio, proprios subditos ubique terrarum et omnes in proprio territorio actu degentes;³⁸ (ii) *in casu urgenti*, i.e. cum iam omnia sunt parata ad nuptias, nec matrimonium, sine probabili gravis mali periculo, differri possit usquedum a S. Sede dispensatio obtineatur,³⁹ possunt dispensare ut in (i), forma matrimoniali excepta.⁴⁰

(b) Parochi, assistentes matrimonio et confessarii: (i) *in mortis periculo*, possunt dispensare uti episcopi, quando hi adiri non possunt, sed confessarius in foro interno sacramentali tantum;⁴¹ (ii) *in casu urgenti*, idem possunt ut episcopi, sed in casibus occultis tantum in quibus Episcopus adiri non potest vel non nisi cum periculo violationis secreti.⁴²

3. *Ex delegatione*: illi possunt dispensare qui hanc facultatem obtinuerunt a Sancta Sede et tantum in impedimentis pro quibus facultas concessa est.⁴³

Istis prae oculis habitis patet parochus potuisse dispensare ab impedimento inter sponso existentes quia casus *occultus* erat et quidem *urgens*, immo *urgentissimus*. Nec tenebatur parochus recurrere ad Ordinarium per telephorum nec uti speciali medio, e.g. de curru *automobili* vel *motocicletta* nuncupato, licet haberi poterit.⁴⁴ Nec *casus occultus* intelligi debet stricto sensu, sed eo sensu quod, quamvis antea impedimentum fuit cognitum, tunc solum tamen ad notitiam parochi (aut Ordinarii) sit allatum.⁴⁵ Neque *casus occultus* confundendus est cum *impedimento occulto*. Impedimentum enim consanguineitatis de quo in casu est natura sua publicum, sed de facto occultum et hoc sufficit ut dispensatio

³⁸ Can. 1043.

³⁹ Nota differentiam quoad *casum urgentem* quando agitur de dispensatione impedimentorum et de absolutione censurae de qua ad IV, 3.

⁴⁰ Can. 1045, §1. Quod valet etiam pro convalidatione matrimonii. Can. 1045, §2.

⁴¹ Can. 1044.

⁴² Can. 1045, §3.

⁴³ Can. 1049, 1050, 1051.

⁴⁴ C.P.I., 12 Nov., 1922. (AAS, XIV, 1922, p. 662).

⁴⁵ C.P.I., 1 Martii 1921 (AAS, XIII, 1921, p. 178).

concedi possit.⁴⁶

Ergo poterat parochus dispensare, sed utrum qua parochus vel qua confessarius, controvertitur. P. Gasparri sententiam negantem qua confessarius putat veriolem quia confessarius non potest dispensare super impedimentis natura sua etsi de facto occultis.⁴⁷ Responsum tamen Commissionis Pontificiae, diei 28 Decembris 1927, non distinguit inter parochum et confessarium quoad facultatem dispensandi.⁴⁸ Parochus igitur, saltem iuxta multos, dispensare poterat qua confessarius, sed hoc in casu, dispensatio data valeret pro foro interno tantum, h.e. coram Deo, et ideo referri non poterat Ordinario nec in libro secreto adnotari quia obstaret secretum sacramentale quod nullo in casu nullaque actione licet revelare; igitur si, tractu temporis, impedimentum evaderet de facto publicum, sponsi alia dispensatione indigerent pro foro externo, h.e. coram Ecclesia.⁴⁹

Qua parochus, etsi uti talis ex errore communi existimatus, poterat ab impedimento dispensare etsi forsans sponsa eiusque mater mala fede ad eiusmodi discrimen adnexerit.⁵⁰ Si enim ex errore communi valide, uti videbimus in quaesito sequenti, assistere poterat matrimonio, valide etiam dispensare poterat ut valide assistat. Dispensatio ab eo data in foro interno extrasacramentali valeret etiam pro foro externo. Sed parochus, qua parochus, tenebatur de concessa dispensatione ordinarium loci, in quo matrimonium celebratum fuit, statim certiolem reddere eademque dispensationem in libro peculiari, qui in archivo secreto Curiae asservatur, adnotare,⁵¹ et si postea impedimentum de facto occultum evaderet publicum, sufficit in casu palam declarare matrimonium esse validum ob concessam iam antea dispensationem.

Ad VI: Ad I diximus parochum Antonii sponsi non potuisse per se

⁴⁶ C.P.L., 28 Dec. 1927 (AAS, XX, 1928, p. 61).

⁴⁷ GASPARRI P.: *De Matrimonio*, ed. ix, 1932, I, n. 398. Cfr. etiam KELLY J.P., o.c., p. 222-3, ubi alios auctores citat.

⁴⁸ CAPPELLO F.: *Tractatus Canonico-moralis de Sacramentis*, 1947, ed. v, V, n. 238, 3. Cfr. etiam KELLY o.c., p. 233-5.

⁴⁹ Can. 1047. Cfr. KELLY, o.c., p. 104 et 218. In praxi tamen confessarius imponere debet poenitentiam ut si impedimentum diffamatorium non sit et nulla habeatur ratio specialis illud secrete tenendum, vel parochus vel sacerdoti assistente matrimonio vel ipsi confessario extra confessionem ut, si tempus habeatur, ad ordinarium recurrat. KELLY, o.c., p. 226.

⁵⁰ KELLY, o.c., p. 221; CAPPELLO F.: *Tractatus... de Sacramentis*, 1947, ed. v, V, n. 234bis, 7.

⁵¹ Can. 1046. CAPPELLO F., o.c., n. 242.

valide assistere matrimonio celebrato in aliqua dioecesi, quia potestas parochi, quod ad matrimonium pertinet, est territorialis. Estne ergo *matrimonium hoc invalidum*? Haec est alia quaestio circa quam hodie nulla habetur difficultas. Dico 'hodie' quia usque ad haec ultima tempora quaestio erat adhuc sub lite. Ius enim assistendi matrimonium non est proprie potestas iurisdictionis quam Ecclesia certo supplet in errore communi et in dubio positivo et probabili.⁵² Attamen cum haec potestas obtineatur tum vi officii tum delegatione, merito auctores illam potestati iurisdictionis assimilabant⁵³ et ipsa S.R.R. iam die 22 Novembris 1927, canonem 209 matrimonio sine delegatione applicavit.⁵⁴ Ad tollendam vero quamlibet difficultatem in posterum quaesitum fuit C.P.I.: 'An praescriptum canonis 209 applicandum sit in casu sacerdotis qui, delegatione *carens*, matrimonio assistat'; quae, die 26 Martii 1952, respondit *affirmative*.⁵⁵ Et recte. Etenim tum sponsi tum fideles praesentes forte non cogitant an val-~~at~~ vel non valeat parochus matrimonio assistere. In casu nostro non solum non deerat titulus *coloratus* (est enim parochus) sed neque saltem fundamentum publicum quod necessario et rationabiliter fideles in errorem induxit.⁵⁶ Nonne fideles parochum viderant confessionem sponsorum audire et nonne ex officio videtur agere ipse parochus et ad altare paratus consensum, ut alii, exquirere et accipere?

Ergo matrimonium de quo in casu certe validum habendum est quia Ecclesia supplevit iurisdictionem in parochus assistente, etiamsi forte

⁵² Can. 209.

⁵³ CAPPELLO F., o.c., n. 650, 2.

⁵⁴ Cfr. *Decisiones*, XIX, pp. 453-65, nn. 8-11. Huic adiungi potest alia *Decisio coram Canestri*, anno 1936 habita, qua statuatur 'ut error sit communis, non requiritur ut multos iam actu sint deceptos, sed sufficere fundamentum positum esse, iuxta quod plures in errorem incidere potuerunt'. L.c. XXVIII, p. 280, ad 7; et aliae similes, v.gr. illa *coram Winem*, anno 1937 habita, alia iterum *coram Winem*, anno 1941 et altera *coram Grozioli*, anno 1942 habita. L.c. XXIX, p. 60, ad 5; XXXIII, p. 725, ad 11; XXXIII, p. 419, ad 13.

Non negamus tamen recentiori tempore alias solutiones datas esse contrarias. Sic *Decisio* data anno 1947 qua Nuntius Apostolicus delegationem a parochis dandam relinquebat quia parochi putabant Nuntium Apostolicum delegatorem non indigere. In casu S. Tribunal iuducavit ignorantiam communem non autem errorem communem extitisse. Cfr. *Ephem. J.C.*, 17 (1951), p. 364-5. Cfr. etiam aliam *Decisionem* diei 22 Februarii 1956, *coram Mattioli* in *Monit. Eccl.*, 81 (1956), p. 416-37.

⁵⁵ AAS, 54 (1952), p. 497; *Perfice Munus*, 1953, p. 14 et 231.

⁵⁶ Consulto hanc quaestionem circa validitatem matrimonii ad ultimum quaesitum relinquimus ut melius res intelligatur ex iam dictis ad III praesertim circa errorem communem.

ipse scivisset se iurisdictione carere. Non enim ipse parochus assistens, nec in eius commodum, sed in fidelium utilitatem Ecclesia iurisdictionem supplet.⁵⁷

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⁵⁷ Cfr. Mons. STAFFA apud *Apollinaris*, 25 (1952), pp. 404-7 et decisionem *coram Caiazzo* diei 16 Februarii 1946, XXXVIII, p. 110, ad 4.

Sed quid dicendum de valore matrimonii si alius sacerdos in aliquo casu particulari, qui nempe nullam rationem muneris habitualiter coadiuvandi in territorio paroeciali habet, sine delegatione matrimonio assistit in loco ubi ordinarie celebrari solent matrimonia?

P.L. HOFMANN aliique admittunt in casu validitatem propter errorem communem. Pro illis nulla differentia habetur inter errorem communem ad confessiones audiendas et ad matrimonio assistendum necessarium. Fatetur insuper idem Hofmann hanc suam interpretationem nullo modo infirmare canones 1094-6 quorum fines est praevenire clandestinitatem matrimoniorum. Nihilominus attenta praesertim recenti iurisprudencia romana, auctores recentiores prudentius validitatem negant. Cfr. ZALBA M., *Theologiae Moralis Summa*, Matridi, 1958, III, n. 1393. Cfr. etiam BOSCHI A., S.J. in *Prefice Munus*, 33 (1958) p. 274-86.

BOOK REVIEW

B. VANDENBERGHE, *Nos Peres dan la foi*, Etudes Religieuses, La Pensee Catholique, Bruxelles.

Les Etudes Religieuses is a series of books published by the 'La Pensee Catholique' of Brussels for laymen and priests who would like to keep abreast with present day Catholic thought; each year it publishes a number of books on dogmatic or moral theology, on holy Scripture, on Sociology etc. such that the whole collection slowly grows into an encyclopaedia of Catholic Truth. The volume we are reviewing deals with the Fathers of the Church whom we must consider not just as the Fathers of Christian civilisation on account of their literary merit, their knowledge, their reputation and their social influence, but above all as our Fathers in the Faith because they primarily considered themselves to be the representatives of the Divine Truth which they had to keep alive in their communities and which they had to preach to the whole world... the whole Catholic Truth which they found in the Bible and in the uninterrupted Tradition of their churches. The author does not speak of all the Fathers of the Church; his book is not a manual of Patrology, but he chooses those Fathers whose literary activity exercises even today an important influence. In fact the writer is continually bringing to the fore the 'modernity' of each of the Fathers he speaks about, pointing out how much their words and their deeds have their counterpart in modern times. The book ought to serve as an introduction to the reading of the works of the Fathers, for it helps to convince us of the need of having recourse to their writings for the subject matter of our sermons and our meditations. One regrets that the author could find place in his book for only a limited number of the great Fathers of the golden age of Patrology: one would like to have read about St. Jerome's devotion to the Scriptures or about St. Ambrose's stand for the rights of the Church, or of St. John Chrysostom's love for St. Paul, or of St. Athanasius' sufferings in the defence of the true faith and of the Cappadocian Fathers' success in making a synthesis of the opposite tendencies of the two schools of Catholic thought in Patristic times. But though one fails to find in Fr. Vandenberghe's book any reference to these great champions of the Faith, the accounts he gives us on the Fathers who have found a place in his book is enough to make us realise the importance of these our Fathers in the Faith who consecrated their whole life to the service of the Lord *in sinu Ecclesiae*.

J. LUPI