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THE PROMISE NARRATIVES IN GENESIS

THE aim of the writer or compiler of Genesis was to outline the history of God's Promise to the forebears of Israel, a theme which directly or indirectly is referred to in the rest of the sacred Scriptures including the New Testament. This great historical event is at the basis of the Israelite beliefs and religious practices. If therefore the compiler of Genesis made use of any preexisting material he must have chosen such incidents of information as had any relevance to the subject; the rest would have been thrown into the background or put away altogether. If then the existing promises, together with the narratives in which they are embedded could be distributed into different groups, each with its own peculiar features, shades of meaning and points of view, one would have the necessary clue to trace, at least in their general outline, the original sources. Such analysis would then afford the criteria for the analysis of the rest of the book. In the present study we propose to analyse the several promises together with the narratives in which they are found.

There are no less than thirteen promises and promise three is again divided into two parts; they are distributed thus: seven to Abraham; three to Isaac; and four to Jacob. The main object of all these promises is practically the same throughout with some exceptions. As we shall see, however, the standpoint of the narrator is not always the same; hence there are differences of emphasis or language. Some characteristics recur in a given group and not in another.

THE ABRAHAM CYCLE OF NARRATIVES (12, 1-25, 18)

There are seven promise-narratives out of a total of seventeen forming the whole cycle. One promise before Abraham left Haran; another one after his separation from Lot; the next one on the occasion of God's covenant of circumcision; another one follows his victory over the five allied kings; again another one before the destruction of the cities of the Plain, and finally another one at the end of the narrative of Isaac's sacrifice. These promises kept the patriarch in good spirit and in constant touch with God, his powerful protector.

PROMISE ONE

Abraham leaves his country (12, 1-20)

Abraham, the son of Thare, a descendant of Sem, who was blessed by Noah, was living in Haran when he was called by God to leave his family and his country unto an unknown destination. Abraham obeyed and moved into Canaan, where he settled provisionally in Sichem. There he built an altar to the Lord. Abraham moved further south through Bethel unto the Negeb; hence, forced by famine in the land of Canaan, he migrated into Egypt, where his wife Sarah attracted the attention of the Egyptians.

The Promise (12, 1-9)

The text of this promise can be divided into two parts dealing with the object of the promise (vv. 2, 3) and the condition for such promise (v. 1). The fundamental reason for the promise is added thereto.

Three things are promised: *glorification*, *blessing* and *land*. *Glorification* is expressed by *לְגוֹי גָּדוֹל* (v. 2). It means either material greatness or moral greatness; at times it is not easy to establish which meaning is intended. It denotes primarily numerical greatness; a numerous posterity was considered to be one of God's blessings. In the promises numerical greatness is expressed by means of various expressions in Genesis 13, 16; 17, 2-6; 22, 17; 26, 24; 28, 3; 35, 11. This meaning is clear in this promise; v. 2 reads; *I'll make of thee a glorious nation and glorify thy name*; cfr 18, 18: *He will become a great (glorious) and a mighty nation, a source of blessing to nations*. This interpretation applies with equal force to Dt. 4, 7, 8 and to Dt. 26, 5 where we have moral greatness and material or numerical greatness coupled together: a glorious and mighty and populous nation *וְיִהְיֶה לְךָ לְגוֹי גָּדוֹל וְעָצוּם וְרַב* (Dt. 26, 5). One may paraphrase thus: *I will make of thee a numerous and glorious nation*, giving to the expression *לְגוֹי גָּדוֹל* a double meaning; material greatness would be the basis for moral greatness. Other texts which confirm this interpretation are: Gn. 41, 40; 48, 19; Ex 32, 10; Nm 14, 12; 19; Dt 9, 1; 11, 23; 2 Sm 5, 10; 2 Ch 17, 12; Ps 92, 6; Zac 12, 7; Mic. 5, 3. The second object is the *blessing*. The glorification about which we have just spoken is intimately connected with the blessing, indeed glorification is the effect of this same blessing: God will bless Abraham, magnify and glorify his name. This blessing, symbolising the communication of divine power to men¹ will overflow to others; friendship with Abraham would mean friendship with God. *Land* is the third and final

¹ J. L. Mackenzie, *God and Nature in the Old Testament*, in CBQ 14(1952) 126ff.

object of this promise. The patriarch is required by God to move out of his country. To him and to all his posterity $\text{אֶתְּחַבֵּדְךָ וְאֶתְּחַבֵּדְךָ}$ *this land* (v.7) is promised.

Literary Structure

The text consists of two main parts. In one part there is the promise itself, in the other the order to leave the land of his birth.

Posterity as a basis for glorification is expressed by a simple verbal sentence with an imperfect consecutive *qatal* followed by the final adverbial phrases.

The blessing part consists of six verbal sentences with four imperfections consecutive and two perfects consecutive: *I bless you; magnify thy name by a blessing; I bless those who bless you; I curse those who curse you; be blessed* (Niphal).

Land: we have just a single sentence; the adverbial אֶתְּחַבֵּדְךָ is put at the beginning and followed by the imperfect אֶתְּחַבֵּדְךָ ending with the object (v.7).

The Order is expressed by the imperative אֶתְּחַבֵּדְךָ followed by the adverbial phrase אֶתְּחַבֵּדְךָ and closes by the determinative אֶתְּחַבֵּדְךָ (v.1).

PROMISE TWO

The separation of the two kinsmen (13, 1-18)

Lot enters into Canaan with Abraham; after the return from Egypt they settle together between Bethel and Hai (v.3). Their possessions increase so much as to give rise to constant quarrels between their respective servants. Abraham gives Lot the chance to choose where to settle; he chooses to go eastwards beyond the southern end of the Jordan.

The Promise (13, 14-17)

Immediately after this separation God appears to Abraham and renews the former promises: land and posterity.

No conditions are attached to these promises; the promise is absolute. God at this important stage of the life of the patriarch, left alone among the Canaanites, heartens him by confirming the arrangements arrived at between the two kinsmen. He will give him the land throughout its breadth and length as signified through the symbolical gesture of walking all over the land and looking at it. There is no reference to the blessing or to the glorification as in the preceding promise. All the stress is laid on posterity and land.

Literary Structure

The whole text is divided into three parts: in the first part God promises the land; in the second part God promises posterity; in the third part God again returns to the land, asking the patriarch to look at it and to go over it. This shows that the main purpose of the promise is the possession of the land. This form is in line with the general tendency for repetition giving well balanced short periods with a strong literary effect.

There are two commands and a double promise. The commands are expressed by means of an imperative, followed in both cases by an adverbial phrase. The promise is emphatically introduced by the particle **כִּי** followed by the object **אֶת-הָאָרֶץ אֲשֶׁר-אַתָּה** (v. 15) as a *nominativus pendens*. The verb **אֶתְּנֶנָּה** is a cohortative while the one relating to posterity is a perfect consecutive. The principal sentences are encumbered with secondary material intended to render the promise more solemn: adverbial phrases as **כִּי-כֵן וְכֵן וְכֵן וְכֵן** and the introduction of comparisons as **אֶם-יִבְלֶה אִישׁ לְמִנּוֹת אֶת-עֵצֵי הָאָרֶץ** and **כִּי-עֵצֵי הָאָרֶץ** **אֶם-יִבְלֶה אִישׁ לְמִנּוֹת אֶת-עֵצֵי הָאָרֶץ** (v. 16).

PROMISE THREE

The alliance between God and Abraham (15, 1-21)

In this narrative one notes a new feature, the dialogue between God and patriarch, a phenomenon that appears for the first time in Genesis except for chapter three. There are no topographical indications whatsoever; following as it does immediately after the account of the attack on the five kings it is very probable that the whole thing happened in Hebron (14, 13).

Before proceeding to analyse the promise we have to explain certain inconsistencies of detail which we believe to be due to the fact that in the chapter we have really two accounts of two different incidents strung together. The first one (15, 1-6) deals with the promise of a son by God in a vision by night (v. 5); the second one (15, 7-21) deals with an alliance between God and Abraham in the evening before the setting of the sun (v. 12). Hence we divide the chapter into two parts.

The Promise – First Part (15, 1-6)

Abraham is living in Hebron, childless; his riches are increasing steadily and he is anxious for an heir. God appears to encourage him by the promise of a son who would take the place of Eliezer, the chief servant of the patriarch's household.

God promises to the patriarch three things: a general reward, a son to inherit him, numerous posterity. Abraham has nothing to do in return except to believe in the omnipotence of God, the creator of the innumerable stars. The stress is laid on the inheritance: the son is given to inherit Abraham; the promise of protection functions as an introduction to the whole promise.

Literary Structure

The promise is cast into a dialogue between God and Abraham. It falls into three main parts corresponding respectively to the three main objects of the promise; each part is formed of an introduction laying down the reason of the promise following it:

God is his protector; therefore Abraham will be rewarded;

God wants Abraham to be inherited; hence a son is promised;

God creates the stars; therefore He is almighty. Moreover He wants to give a no less numerous posterity to Abraham.

The first part consists of two nominal sentences; the second one of three verbal sentences including a relative one.

Abraham acknowledged the power of God and believed in it. This was not enough; God wanted to give him an object lesson; he led him out to show him the countless stars that adorned the clear beautiful eastern skies. This is a sort of symbolical gesture meant to impress the mind and to move the heart. The whole episode ends by 'Abraham believed and it was reputed him unto justice.'

The Promise — Second Part (15, 7-21)

Abraham is in Hebron; there appears God to him presenting himself as the person who called him out of Mesopotamia to give him *this land*. Abraham asks for a sign whereby he would be sure of such possession. God asks him to prepare for the formalities of a contract. Abraham brought the birds and beasts to be divided into two groups. God then in the form of a flame passed between them. It was a contract, a unilateral one by that; henceforth Abraham would not doubt anymore.

The main object is *land*, promised to Abraham and his descendants. Posterity is mentioned only indirectly. The covenant appears for the first time here.

Literary Structure

The primitive text is very short; vv. 13-16 are excluded. The remaining text is divided into two parts: one promising *this land* to the patriarch; the other dealing with its possession by his descendants.

The first part forms one unit with the introduction itself: God led

Abraham out of Mesopotamia to give him this land.

The second part forms a verbal sentence by itself.

Also vv. 18-21 together with vv. 13-16 are a gloss added to the original text in the light of later history.

In this chapter therefore two promises are actually made to Abraham on two different occasions: the first promise concerns the birth of a son who would be the heir of Abraham's possessions, who in his turn would be the founder of a great nation; the other one deals with land to be possessed by Abraham and his posterity. The one was promised to the patriarch by night, the other in the evening just before sunset. The second promise is remarkable for being complete with the formalities of a covenant or contract.

PROMISE FOUR

The Covenant of Circumcision (17, 1-30)

In chapter seventeen there is the establishment of a new covenant. No time or place indication is given; the age of Abraham is given as ninety years. From the context it seems that he is living in Hebron. The literary structure is rather complicated and verbose.

The main argument of the whole section is the covenant between God and Abraham. The fundamental elements of this covenant are found in v. 1: **וְהָיָה בְּעֵינֶיךָ לְפָנַי וְהָיָה חֲמִים וְאֶתְנָה בְּרִיתִי בֵּינִי וּבֵינֶךָ** God could give to Abraham something in return for his good moral behaviour in obedience to God's wishes. The elements of the covenant may be represented graphically thus:

Contracting parties: God on the one hand; Abraham, Isaac and posterity on the other.

God's Promises:

To Abraham: Posterity

Birth of Isaac

Land

To be his God

Pact

To Isaac:

Blessing

Posterity

Pact

To Abraham's Posterity:

Land

To be their God

To Ismael:

Blessing

Posterity

Conditions: Good moral behaviour.

Symbolic gestures: Prostration of Abraham

Laughter of Abraham

Circumcision

The stress is on posterity; it occurs three times with Abraham, Isaac, Ismael respectively; land and blessing occur only once and twice respectively. Moreover the blessing has a peculiar meaning; it means here numerous posterity. God would bless Isaac, Ismael and Sarah and through this blessing they would be the progenitors of a numerous posterity. All elements converge to a single point, that is, posterity. Land is given as a place where they would dwell and the blessing of God would be the radical cause of this countless progeny. There is a special emphasis on moral conduct expressed by the formula $\text{וְהָיָה צְדָקָתְךָ לְפָנַי וְהָיָה חַיִּים}$ (v. 1)

We have also some symbolical actions or gestures. Abraham prostrates himself in the presence of God and laughs at the idea of generating a son in his old age. God asks the patriarch to circumcise himself and all his household. Circumcision would be a perennial reminder of the bond between God and Israel.

Literary Structure

The whole section is divided into two principal parts preceded by an introduction.

Introduction: a) God introduces Himself.

b) An inscription enunciating the general principles of the Covenant.

Abraham and God: An act of submission from Abraham.

a) Covenant

b) Motives for the Covenant

c) Circumcision as a memorial

Abraham's relatives and God:

a) Sarah

b) Ismael

c) Isaac

The style in general is different from that of the preceding promises: it is verbose and full of repetition through short coordinated sentences; there are special terms for land as אֶרֶץ כְּנָעַן and אֶרֶץ מִצְרָיִם (v. 8) and for posterity $\text{מִלִּים מִפֶּה יְהוָה לְגוֹיִם}$; $\text{אֶבְרָהָם וְשָׂרָה}$ (v. 6).

Blessing which recurs only twice in relation to Ismael and Sarah respectively, is expressed by piel בָּרַךְ .

PROMISE FIVE

Abraham entertains the three travellers (18, 1-33)

This promise is embedded in the cycle of Lot's narratives, including

the destruction of the Pentapolis. It is divided into two parts: the first one forms the object of a dialogue. The whole cycle is included in chapters eighteen and nineteen.

The scene is set in the Valley of Mambre, where the tent of Abraham is found. The patriarch is sitting near his tent when three travellers approach him. *He welcomes them and lavishes on them his hospitality.* They accept joyfully all the compliments proffered to them, rewarding him by the promise of a son for the year following: one of them is God himself. (Several times אֱלֹהֵי אֲנִי stands for God Himself). Sarah would conceive and bear a son within a year. She however is sceptic about the whole matter and laughs at it. This forms the subject matter of the whole promise.

The three men, that is God and his two companions, set on their journey bound for the doomed cities of the Plain. On the way God informs Abraham, the recipient of the Promises and the future source of universal blessing, about his decision to destroy the sinful cities. The patriarch intercedes for them unsuccessfully because there were not enough good men to compensate for the crimes that were rampant therein. This is the context of the second promise.

The Promise – First Part (18, 1-15)

A son is promised to Sarah. Abraham is not worried about his future heir or posterity. Sarah is sceptic about the whole business and laughs at it all; hence the name Isaac to her future son: the verb צָחַק recurs no less than four times. This promise is a reward for the hospitality so generously and unstintingly shown to the travellers. The whole setting therefore is totally different from that of promise four in chapter seventeen.

Literary Structure

There is nothing particular to notice; a dialogue is set in a narrative with idyllic associations. The promise is expressed simply and tersely.

The Promise – Second Part (18, 16-33)

God is presented anthropomorphically as deliberating within Himself about the matter. He decided to inform Abraham about the fate of the doomed cities.

The main object of the promise is a great people; this expression, we said above, refers to moral greatness and glorification, having as a basis a numerous posterity. The patriarch would be a source of blessing to all nations; thus there would be a nation to observe the law of the Lord.

Literary Structure

It opens with a rhetorical question consisting of a nominal sentence and a relative nominal participial clause. The promise proper consists of two verbal sentences, one with an imperfect and one with a perfect consecutive. The election part is introduced by an affirmative כִּי followed by a perfect. Then follows the motives at the basis of this election: to observe the way of the Lord, לַעֲשׂוֹת צְדָקָה וּמִשְׁפָּט (v. 19).

Other stylistic features to be noted are expressions such as נָתַן נְדָוָה; the hiphil of בָּרַךְ; and בָּנִי וְאֵת-בְּתוּלָתוֹ צִמְחָיו.

PROMISE SIX

The Sacrifice of Isaac (22, 1-17)

God commands Abraham to offer as a sacrifice his only begotten son Isaac on an unknown mountain. Abraham obeys submissively; when he is on the point of slaughtering him an angel of the Lord מַלְאָךְ יְהוָה stops him. Immediately afterwards the angel speaks to him granting Abraham another promise to reward him for the submissiveness shown to God. The promise belongs to the whole story to which it is attached; within its text there are references to the previous narrative: an angel appears a second time out of heaven (v. 15), *because thou hast done these things and has not spared thy only begotten son for my sake* (v. 16); verse 18 *because thou hast obeyed my voice*, however, may be considered as a later additional explanatory note². The whole episode without such a promise would lose much of, if not all, its importance.

The Promise (22, 15-17)

The promises are granted directly to the patriarch unconditionally; he has already done his part. He is to be rewarded through a numerous posterity and victory over his enemies; thereby land is promised indirectly. He will be a source of blessing to others. This is the only promise mediated through an angel; the expression *Angel of the Lord*, מַלְאָךְ יְהוָה stands several times for God Himself.³

Literary Structure

The oath formula is introduced by the affirmative particle כִּי.

Blessing is again introduced by the particle בָּרַךְ.

Posterity follows as the effect of this blessing. This time we meet again a comparison between the numerous posterity and the dust of the

² Cfr. F. Hummelauer, *In Genesim*, Paris 1908, p. 435.

³ J. Touzard, *Angle de Yahweh*, DBS col. 242 f.

earth, but not of the stars.

Victory over his enemies is promised next to posterity.

Abraham is promised to be made the source of blessing to all the people of the earth.

The conclusion recalls the beginning: reward. Other peculiarities are to be noted: God is represented by his Angel; He appears to the patriarch 'from heaven'; there is the oath; the expression *יְהוָה אֱלֹהֵי* (v. 16) the comparison between the dust of the earth and the numerous posterity; the phrase or sentence: *וְיִרְשֶׁהוּ אֶת זֶרַע אֲבִיכִי* (v. 17).

THE ISAAC CYCLE OF NARRATIVES (25, 19-28, 9)

The exact number of narrative-units is not easy to be established as in the case of the preceding cycle. One may tentatively put it at three: Isaac settles in Gerar (26, 1-22); Isaac moves to Beersheba (26, 23-34) Isaac blesses his two sons Jacob and Esau (27, 1-28, 9). The cycle is much shorter than that of Abraham; the reason is that the story of Isaac tapers off into that of Jacob on which the interest of the writer is soon shifted. In fact we do not find more than two direct promises to Isaac (promises seven and eight); promise nine is referred to Isaac indirectly.

PROMISE SEVEN

Isaac settles in Gerar (26, 1-34)

This promise seems to be out of its proper context. Isaac compelled by hunger to migrate probably into Egypt stops at Gerar. God prohibited him from going any further; this prohibition is difficult to explain in view of the severe draught in Canaan. It is probable however that vv. 2-5 belong to another Isaac-narrative no longer preserved in its integrity: v. 6 naturally goes with vv. 2-5 to form the conclusion. The original story without this promise probably may be reconstructed thus: Isaac migrated into Gerar (26, 1); there the Gerarites set their eyes on his wife (v. 7a); he told them that she was his sister (v. 7b) in order to save his own skin; the truth was soon discovered (v. 8); Isaac was rebuked by Abimelech (vv. 9-10); Rebecca was left alone. The patriarch, having become exceedingly rich (vv. 12-15), departed from Gerar towards Beersheba (vv. 15-23); Abimelech entered into covenant with him (vv. 26-31); complaints about the wells follow (vv. 32, 33). The promise therefore stands by itself.

The promise (26, 2-6)

This promise is granted to Isaac as a reward for his settling in Canaan

and as the fulfilment of God's oath to Abraham in promise six. Land and posterity form the object of this promise. The condition laid down is that Isaac would stop in Canaan just as his father before him had to migrate into Palestine from Mesopotamia.

Literary Structure

The promise opens with a command not to go down into Egypt; it is expressed by an adverbial sentence with an imperfect negated by לֹא followed by a nominal relative sentence qualifying land. This in its turn is followed by a positive order with an imperative to wander in this land; the condition having thus been laid, the promises follow, starting with that of immediate protection.

In the second part we have the promise proper introduced by the affirmative particle כִּי for emphasis; *these lands* would be given to the patriarch and his seed. This would be the fulfilment of God's oath to Abraham his father (a reference to promise six). The promise of a numerous posterity expressed by means of a perfect consecutive, follows $\text{וְהָיָה אִתְּךָ בְּנֵי$; this posterity is comparable in numbers to the stars of the heaven not to the dust on the earth; the same posterity would inherit the land promised to Isaac, that is, *these lands*. Again God promises him that his posterity would be a source of blessing to all the nations of the world. Finally God refers back to his promises to Abraham and the patriarch's faithfulness; the last words $\text{וְיָשְׁבוּ בְּאֶרֶץ כְּנָעַן וְאֶבְרָהָם יָמָא}$ may be considered as a later addition not forming part of the original tradition.

PROMISE EIGHT

The settlement in Beersheba (26, 22-35)

This promise narrative belongs to the same cycle of narratives hinged on Southern Palestine around Beersheba. On the night of his arrival from Gerar God appears to Isaac to renew the former promises. After this promise Isaac enters into a covenant or pact with Abimelech whereby peace between the two parties is secured.

The Promise (26, 24-25)

Nothing is asked from Isaac; he is required not to fear nor to be anxious for the future. God introduces Himself as the God of Abraham and promises him his own protection, blessing and posterity. Land is not even mentioned. This would be a reward for what Abraham had done before.

Literary Structure

The promise opens with a formal introduction. God states clearly that He is the God of Abraham. Then follows an order expressed by an imperfect, negated by ⁵⁸not to fear. The promise itself consists of two coordinated sentences with two perfects consecutive; the motive is given right at the end depending on the particle ⁵⁹בְּעֵבֶר.

The statement is very simple and there is nothing to note by way of special expressions. Note however the verb ⁶⁰וְהָיָה לְךָ for posterity. There are one nominal and four verbal sentences.

PROMISE NINE

Isaac blesses Jacob (27, 46-28, 9)

Isaac is imparting his blessing on his son Jacob before the latter's departure to Mesopotamia to stay with his uncle Laban. This is not a direct promise to Isaac; God is referring however to former promises granted to Abraham his father. It is probable that Isaac did not receive any direct promise from God, at least according to the source of this promise, but received it at the hands of Abraham his father just as he is now imparting his own blessing unto his son Jacob. This fact is of particular importance in view of the fact that Isaac indeed did receive a promise first in Gerar and then in Beersheba.

This promise, homogeneous in itself, does not seem to square with its own context; it does not seem to extend beyond 27, 46-28, 9. It exhibits differences of substance and detail of no small importance when compared with its immediate context; it is a duplicate of the blessing imparted to Jacob in 27, 27-29.

The first blessing provoked the anger of Esau against Jacob; Rebecca to avoid any clash between the two brothers advised Jacob to betake himself unto Laban, her brother, and settle there until the anger of Esau would die out. The second blessing however far from raising any hostile reactions, was in itself but a preparation for Jacob's departure into Mesopotamia to get married to a maid of his own kinsmen, without giving rise to any unfriendly feelings in his brother's heart. Esau is represented in the narrative as a man resigned to his fate, who was quick to see his fault in getting married to Canaanites who were distasteful to his mother (27, 46); he went soon to Ismael's family and got himself wives from his own kindred. In the second narrative Rebecca is not depicted as the mother anxious for the safety of her son but as a jealous woman determined not to have any more strangers in her household; hence she enjoins Jacob to proceed to her uncle and to get married there

to a maid of her own family.

There is no contradiction whatsoever between these two motives for Jacob's departure; we have here two points of view, from which different lines of tradition looked at the whole matter. One of them was interested in the intermarriages to keep the patriarch's tribe separated from and uncontaminated by Canaanite blood, an idea which is already found in chapter seventeen and later on in chapter twenty-four; the other is interested rather in family quarrels. Moreover in 27,1 Isaac is an old man with dimmed eyes so that he cannot see. In 28,1, ff there is no explicit reference to his age but it is very probable that Isaac was still in good health. All these considerations point to a diversity of sources and to the fact that except for 26, 34ff and 27, 46-28, 9 all the rest of chapter twenty-seven belongs to a different source.

The Promise (28, 1-4)

The object of this promise is threefold: land, posterity and blessing. There is a special relation between the first two on one hand and the third on the other. Indeed this blessing or rather this gracious disposition of God towards the patriarch would be the radical cause of all the other graces poured on the patriarch. This question will be treated more fully further on.

Literary Structure

The whole promise may be analysed thus:

- a) Opening: the order to go into Paddan-Aram
- b) Promise: Blessing
 - Posterity
 - Blessing of Abraham
 - Land to Jacob

The order to fetch a wife in Paddan-Aram is expressed by four verbal sentences; the first one includes the negative command with an imperfect negated by the particle לֹא and the rest expressed by means of a series of simple imperatives. The promise proper consists of a series of jussives, since it is cast in the form of a prayer: there are five jussives with a relative clause with אֲשֶׁר and a coordinated one with וְיָבִרְךָ .

There are certain special phrases to be noted which echo the phraseology of chapter seventeen $\text{אֲשֶׁר, לִקְהֵל עַמִּם, וַיִּפְרֹד וַיִּרְבֶּה, אֶל יִצְחָק}$.

DOMENICUS MAGRI

AND HIS APPARENTES S. SCRIPTURAE CONTRADICTIONES

DOMENICUS MAGRI, or in a latinized form Macrius, was born in Valletta on the 28th March 1604 and was baptized in the parish church of Portu Salvu on the 2nd April. When he was sixteen years of age he received minor orders from the Bishop Balthasar Cagliares. He was then sent to Palermo to study law under Julius Casaurius, his maternal uncle and professor of Law. But the young student did not like law and, by his father's consent, he went to Rome to study philosophy. Before completing his studies he was chosen by Card. Alexander Ursinus to be sent to the Patriarch of Antioch to settle certain matters which had lately arisen concerning the Maronites of Rome. When he returned to Rome, he resumed his studies of philosophy, theology, Greek and Oriental Languages. After being ordained priest he came to Malta, but was soon called back to Rome by Card. Pallesotto to take part in the commission for the edition of the Arabic Bible which was published by the Congregation De Propaganda Fide in 1671.

In the year 1661 he fell ill and was in danger of death. But to his many friends who visited him he used to say that he would not die of that illness. In fact a short time after, he was received by H.H. Pope Alexander VII to whom he expressed his gratitude for the indulgence *in articulo mortis* which the Pope had granted him. Then he came to Malta to see his centenarian father for the last time.

Later he accompanied Card. Brancato to the conclave for the election of Clement X. On the 4th August 1671 he was again taken ill and died on the 4th March 1672. His remains were buried in the Cathedral Church of Viterbo.

PUBLICATIONS:

Hierolexicon; a dictionary explaining the meaning of about eight thousand ecclesiastical terms. First published in Messina in 1664; three Italian editions during the author's lifetime; Latin edition with additions by his brother Carlo; reprinted many times.

Apparentes Sacrae Scripturae Contradictiones; published both separately and as an appendix to the *Hierolexicon*; 1st edition Venice 1645.

Breve racconto del viaggio al monte Libano; Rome 1655; Viterbo 1664; Malta 1928.

Epistula ad Eminentissimum Cardinalem Brancatum conscripta disser-

ens de Cafe, post fructus descriptionem, de eius qualitate atque effectibus etc. Italian translation Rome, 1671.

Dichiarazione letterale degl'Inni del Breviario published under the anagrammatic name Nicodemo Grima; Viterbo, 1645.

See also A. Schembri, *Selva di autori e traduttori maltesi*, Malta, 1855.

The *Contradictiones* is a list of 268 passages from the Old and New Testament which in a way or another seem to contradict other passages. The solution is generally based on the interpretation that was current in those days. In the preface the author acknowledges his indebtedness to Tirinus whose commentary on the Old and New Testament was published in 1632 when Magri was 28 years old. Hence his interpretation is generally correct. His Greek knowledge enabled him to consult and quote the LXX and to derive therefrom a better reading and a better interpretation than that given by the Vulgate. Thus in Eccles. 18, 1 the word *simul* is explained according to the Greek koine in the sense of *communiter*, *pariter*. The name *Alexandria* in Ez. 30, 14 is a proleptic appellation of a town called *No* in Hebrew and *Diospolis* or Jupiter's town in Greek. In IMacc. 1 *primus* does not mean 'first', as if Alexander was the first king of Greece, but 'before' as the Greek *πρότερος*. In IMacc. 4, 6 he followed the Greek reading 'The Jews had no arms as much as they needed' against the Vulg. 'gladios non habebant', which contradicts v. 15. In IMacc. 11, 34 the Greek text to which he refers should have suggested the right explanation. In IMacc. 14, 25 the word 'Romanus' should be deleted according to the Greek text. In IMacc. 16, 3 instead of 'fratres mei' read 'fratris mei' with the Greek. In Amos 7, 14 he adopts the Greek reading 'I was not a prophet', which is adopted by many modern interpreters. It is doubtful whether Magri knew Hebrew. In Job 19, 17, where LXX and Symmachus are quoted, Hebrew would have provided a better explanation.

As an illustration of Magri's exegesis I shall submit here some of his solutions. Gen. 40, 19 'Auferet Pharaon caput tuum' seems to contradict what is said in the same verse 'suspendet te in cruce'. Pharaon's baker either had his head taken off or was hanged. Magri answers: To take off one's head means to put one to death either by hanging or in any other way. There is, therefore, no contradiction. In Ex. 12, 2 the year begins with the month of Nisan which corresponds to March-April, but in Ex. 23, 16 the end of the year and consequently the beginning of the next year coincides with the gathering of the crops, that is with September-October. The difficulty is rightly solved by the fact that the Hebrews had two calendars, an ecclesiastical one with Nisan as the first month and a civil one with Tishri as the first month. ISam. 13, 14 God would have

given to Saul, who was of the tribe of Benjamin, a durable kingdom if he had been faithful to Him. But God had already promised an everlasting kingdom to the tribe of Judah (Gen. 49, 10). Magri: God's promise to Judah was made in view of his foreknowledge of Saul's disobedience. ISam. 28, 19 Samuel predicted to Saul that the following day he (Saul) and his sons would be with Samuel. But this is impossible, because Saul died for his iniquity (IChr. 10, 13) and therefore presumably he is damned, while Samuel presumably is saved. How could they be together? Magri answers: Saul will be with Samuel in the nether world, that is, Saul will die. IKgs 11, 13 God assigns to the kingdom of Judah one tribe alone, the tribe of Judah. But the tribe of Benjamin still formed part of the kingdom of Judah (IKgs 12, 21). Magri's explanation: The tribe of Benjamin was on the border of the two kingdoms of Judah and Israel, but actually was always reckoned as a part of the kingdom of Judah. In Zach. 2, 4 it is said that Jerusalem will have no walls. But Nehemias has rebuilt the walls. Magri explains: The sense is that Jerusalem will be inhabited by so great a multitude that it will be like a city without walls. The double genealogy of Christ in Matthew and Luke is explained in the traditional manner according to which Matthew gives the natural parents of Joseph, and Luke his legal parents. And he adds the remark that Matthew uses the verb 'beget' which denotes natural generation, while Luke says:... Joseph who was (the son) of Heli, who was (the son) of Matthat... The attribution to Isaiah of a prophecy from Malachiah is considered as a case of double quotation attributed to the more prominent prophet, in this case Isaiah. John 7, 16. My doctrine is not mine: this is an obvious contradiction. How can a doctrine be *my* and *not mine*? Magri answers: The doctrine was *his*, Christ's, because it was given by him, but at the same time it was *not his* because it had been given to him by the Father.

Sometimes the explanation proposed by Magri is altogether wrong or inadequate. Thus in Ex. 20, 5 God's threat to punish the fathers' sins in their children down to the third and fourth generation in contrast with his declaration that the children will not be punished for their fathers' sins is explained as a conditional threat, that is, if the children will imitate their fathers' sins. But in this case, why down to the fourth generation only and not indefinitely? In Judg. 21, 4 it is said that the Israelites built an altar and offered sacrifices upon it; but this is against the Mosaic prescriptions which forbid the erection of any altar except that in the temple court. Magri exculpates the Israelites from any infringement of the law by supposing the altar to be erected within the temple or tabernacle: a supposition which is entirely against the context. In ISam. 13, 1 it is said that Saul was one year old when he became king

and that he reigned for two years. This is contradicted by Acts 13, 20 where Saul is said to have reigned forty years. The contradiction is removed by the supposition that the one year refers to Saul's candour and innocence rather than to his age, and that the forty years of Saul's reign include the last thirty-eight years of Samuel's leadership. In Is. 16, 1 Magri rejects the correct interpretation and adopts Jerome's interpretation who applies this text to the Messiah. The word 'barbarians' in Act. 28, 1 is said to mean 'peasants, countrymen'. It means rather 'natives', that is, people who did not understand the language of those who were saved from the shipwreck, people of a non-Greek land, hence natives. Hebr. 9, 7 Magri ignores the distinction between the inner and the outer part of the tabernacle, that is, the Holy of Holies and the Holy. The high-priest went into the Holy of Holies only once a year but he entered the Holy daily to burn the incense.

Magri was so imbued with Rabbinic literature that he not only quotes many mediaeval Rabbis, but sometimes he even accepts their legends. Thus we read in Gen. 46, 6 that Jacob went down to Egypt with all his sons and daughters. But Jacob had only one daughter, Dina. How, therefore, could the author of Genesis speak of Jacob's daughters? Magri following the Rabbinic traditions explains thus: Jacob's wives had twins in every childbirth, a son and a daughter, who later became husband and wife. Of all his daughters Dina alone is mentioned because she was born without a twin brother. So in reality Jacob had many daughters, although only one is mentioned. Rabbinic traditions come again to Magri's help to explain the contradiction between Numb. 20, 29, 33, 38; Deut. 32, 50 where Aaron is said to have died and to have been buried on Mount Hor and Deut. 10, 6 where he is said to have been buried in Mosera. Following the Rabbinic traditions Magri says that Aaron died really on Mount Hor, but was taken to Mosera by the Israelites who had lost all hope of entering the land of Canaan. There they mourned him as if he had actually died there.

Magri's work does not offer any original contribution to biblical exegesis, but it is a document of his vast learning and a justification of the high favour which he enjoyed with ecclesiastical authorities.

P.P. SAYDON

THE ORDINATION OF DEACONS IN THE EARLY MIDDLE AGES

THE Ordination ceremonies of the Roman rite in the early Middle Ages may be reconstructed from the various *Ordines Romani*,¹ which have come down to us, and from the Roman Sacramentaries.²

The ritual for the Ordination of priests and deacons was simple but it was always performed with great publicity at a solemn station;³ Ordinations were not held every year, but only when necessity arose,⁴ and generally they were celebrated on one of the Saturdays of the Ember weeks;⁵ it seems that up to the fifth century the December Ember Satur-

¹ The *Ordines Romani* which describe the Ordination rites are numbers XXXIV to XL of the Corpus edited by Michel Andrieu, the Dean of the Faculty of Theology of the University of Strasbourg. (M. Andrieu, *Les Ordines Romani du haut Moyen Age*, in 5 vols, Louvain, Spicilegium Sacrum Lovaniense). The Ordines which have a reference to this study are: Ordo XXXIV (Andrieu, III, pp. 535-619) of Roman origin; Ordo XXXV (Andrieu, IV, pp. 1-57) of Roman origin; Ordo XXXVI (Andrieu, IV, pp. 113-205) of Gallican origin describing the Roman rites from a Gallican point of view; Ordo XXXVIIA (Andrieu, IV, pp. 209-238) of Gallican origin; Ordo XXXVIIIB (Andrieu, IV, pp. 241-54) of German origin; Ordo XXXVIII (Andrieu, IV, pp. 257-69) of German or Gallican origin; Ordo XXXIX (Andrieu, IV, pp. 273-86) of Gallican origin describing the Roman rites for a Gallican church.

² *Sacramentarium Veronense (Leonianum)* cura L. C. Mohlberg O.S.B., L. Eisenhofer O.S.B., P. Siffrin O.S.B., editum: textus, glossarium, introductio, indices, tabulae VI, cxv et 453 pp. (Rerum Ecclesiasticarum documenta cura Pont. Ath. S. Anselmi de Urbe, series maior, fontes I), Herder, Roma, 1958.

The *Gelasian Sacramentary* edited with introduction, critical notes and appendix by H. A. Wilson, M.A., Oxford, at the Clarendon Press, 1894.

The *Gregorian Sacramentary under Charles the Great* edited from three manuscripts of the ninth century by H. A. Wilson, London, 1915, Henry Bradshaw Society, vol. XLIX.

³ *diaconi veri atque presbyteri nunquam nisi in publici ordinatione* (Ord. XXXVI, 4).

⁴ *si necessitas fuerit* (Ordo XXXVIIIB)

⁵ Ordo XXXV (Andrieu, IV, p. 36) gives the following direction with regard to the date of Ordination: *Mensis primi, quarti, vel septimi seu decimi, sabbatorum die, quaecumque placuerit pontifici infra ipso mense degentem, veniant ad sanctum Petrum ipse electus vel omnis clerus seu populus*. The Ordo recalls the rubric of the Gelasian Sacramentary (ed. Wilson, p. 22): *Mensis primi, quarti, septimi et decimi sabbatorum die in xii lectiones ad sanctum Petrum, ubi missas celebrantur*...

Ordines XXXVIIA and XXXVIIIB fix the Ember weeks, while Ordo XXXVIII deals with Ember Saturdays only. These Ordines fix the Ember weeks thus: In

day⁶ was preferred though it is very difficult to say what was the reason for this.

Ordinations were held at St Peter's, the stational church for Ember Saturday, and priests and deacons were ordained at the papal altar; but in the twelfth century no Ordinations were held at the papal altar except that of the Pope himself: priests and deacons were ordained in the ora-

primo mense...in prima hebdomada de mense primo primum jejunium celebratur. Secundum temporis jejunium celebratur in quarto mense in secunda hebdomada... Tertium temporis jejunium septimi mensis...tertia hebdomada ipsius mensis... Quartum temporis jejunium evenit decimi mensis quarta hebdomada...ante natale domini completur: et si vigilia natalis domini in sabbato evenit, in antecedente hebdomada...ieiunium... (celebratur). (Ordo XXXVIII: Andrieu, IV, pp. 249-50). Ember Days are of Roman origin: earlier authorities speak only of a *ieiunium quarti, septimi et decimi mensis*, probably because the *ieiunium primi mensis* was included in that of Lent; in fact, in Rome the traditional Ember week for Spring was the first week of Lent, and that for the Summer Ember days was the week after the feasts of Pentecost.

This does not agree with the rubrics of the above-mentioned Ordines but perhaps these rubrics were not taken literally. When Ember days were introduced in Gaul the Roman rubrics were taken literally and therefore there arose a divergence between Roman and Gallican observance of Ember days. This divergence was brought to an end by Gregory VII (in 1078) and Urban II (in 1095). Cfr. Andrieu, IV, pp. 213-30; D.A.C.L. XIV, 2014-7).

⁶ From earliest times it was felt that Ordinations should be held only on certain days. In a letter to Dioscorus of Alexandria, Pope Leo the Great, states that Ordinations are to be held *post diem sabbati eius noctis quae in prima sabbati lucescit... ut his qui consecrandi sunt numquam benedictio nisi in die resurrectionis dominicae tribuatur*. Some have understood these words as allowing Ordinations only at the vigil Mass of Easter; others as allowing Ordinations on a Sunday vigil: this is corroborated by another letter of Leo, writing to Anastasius of Thessalonica, in which he objects to the practice of limiting to Sundays the Ordinations of bishops only, while priests and deacons were being ordained on any day — this, he says, is *contra canones et traditiones patrum* (Smith-Cheetham, Dictionary of Christian Antiquities, II, p. 1516, John Murray, London, 1908).

Half a century later Pope Gelasius in a letter to the bishops of Lucania and Sicily, insists that Ordinations of priests and deacons are to be held only *quarti mensis ieiunio, septimi et decimi, sed etiam quadragesimalis initii, ac medianae quadragesimae die sabbati ieiunio circa vespas*. This rule which is found under the title *Synodale quem accipit episcopus*, is found in the *Liber Diurnus Pontificum Romanorum* (Smith Cheetham, II, pp. 983-4) with an addition referring to the Ember Days of March: *ieiunii primi, quarti, etc*. The same rule is found in Ordo XXXIV (Andrieu, III, p. 610): *Ordinationes si feceris, aptis temporibus fac, id est primi, quarti, septimi et decimi mensis*. There is no reference here to the *initium quadragesimae* or the *medianae quadragesimae*.

In Rome the Ember Saturday in December was preferred, and according to the *Liber Pontificalis*, up till the end of the fifth century all Ordinations took place *per mens. decemb.* Pope Simplicius (468-483) was the first to go against this custom of the Roman Church: of him the *Liber Pontificalis* says that he held Ordinations *per mens. decemb. et febr.* From this time up till the end of the

tory of St Andrew.⁷ At first the Ordination Mass was celebrated during the night between Saturday and Sunday; later on the celebration was transferred to the evening, and, in the eighth century, to the afternoon: finally it was held in the morning.⁸

The candidates for Ordination, previously chosen by the Pope, on the Monday preceding their Ordination, had to present themselves before the Pope and the four highest dignitaries of the Roman Church to take

eight century about 12 Popes out of 48 did not hold Ordinations only in December. Righetti (*Storia Liturgica*, vol. IV, p. 262, note 48) notes that the phrase *fecit ordinationes per mens. decemb.* is also said of Popes (v.g. Eusebius and Mark in the fourth cent.) whose very short pontificate did not include the month of December.

Ordo XXXV (Andrieu, IV, p. 36) which belongs to the beginning of the tenth cent. leaves the fixing of the date of Ordinations at the Pope's discretion: any Ember Saturday *qualecumque placuerit pontifici*.

⁷The Gelasian Sacramentary and Ordines XXXIV and XXXVI clearly imply that the Ordinations of priests and deacons were held at the main altar of St Peter's — *ad sanctum Petrum*. The twelfth century custom is mentioned by Benedictus Canonicus who described the rites of Ember Saturday (c. 1140-3), and by Petrus Mallius, a canon of St Peter's who lived about the same time, and who ascribes the custom to Gregory the Great: *descendit pontifex ab altari et vadit ad sanctum Andream; ibi facit consecrationem. Facta consecratione revertitur ad altare quia ad hoc altare nulla consecratio debet fieri nisi de Romano pontifice* (Benedictus Canonicus, *De ordine romano*, n. 11 in Andrieu, IV, p. 127).

The oratory of St Andrew, consecrated by Pope Symmachus, was the second of two rotundas which flanked the Constantinian basilica on the south side: these rotundas were joined to the basilica by an oblong vestibule at the extreme end of the southern part of the transept: it is marked in Alfaro's plan of the basilica (D.A.C.L. XIV, 2862).

This tradition is referred to also in the *caerimoniale* composed by A. Patricius Piccolomini at the time of Innocent VIII (1484-92): *Quando Papa aliquos vult ordinare publice in sancto Petro consuevit actus ordinationis et consecrationis facere in cappella sancti Andreae, vel alia, et reliquum missae finire ad altare sancti Petri* (quoted in Andrieu, IV, p. 128). The *cappella sancti Andreae* is not the old rotunda, but the chapel erected by Pius II in 1462 over the ancient chapel of St Gregory, marked 85 in Alfaro's plan.

⁸At the time of Pope Leo the Great, when the Sunday service commenced with the night vigil from Saturday evening, Ordinations were held either on Saturday night or on Sunday morning: this is clear from what St Leo states in his letter to Dioscorus of Alexandria, on the 21st July 445: *post diem sabbati, eius noctis quae in prima sabbati lucescit exordia delignantur, in quibus his qui consecrandi sunt ieiunis et a ieiunantibus sacra benedictio conferatur. Quod eiusdem observantiae erit, si mane ipso dominico die, continuato sabbati ieiunio, celebretur...*

The Ordines themselves give different times for the commencement of the Ordination Mass: Ordo XXXV (first half of the tenth century) has *hora diei octava*; Ordo XXXVIIA (first half of the ninth cent.) has *hora tertia, vel qualivoluerit*; Ordo XXXVIII (tenth cent.) has *mense martio...*; *hora sexta, mense iunio...*; *hora quarta*. Ordo XXXIX (end of the eighth cent.) has *hora vii*. The tendency to change the hour of the Ordination Mass from the afternoon to the morning is evident.

an oath on the relics of the saints that they had never committed the four heinous crimes prohibited by the sacred canons.⁹

On the following Wednesday the people and the clergy of the various regions of the city assembled at St Hadrian's,¹⁰ and from there the Pope with his court, accompanied by the faithful, went in procession to St Mary Major for the celebration of the Mass of the day. During the celeb-

⁹Ordo XXXIX, I (Andrieu, IV, p. 283): *Primitus enim, secunda feria in hebdomada, quando XII lectiones debent fieri, vocat pontifex electos et iurant ante eum super reliquias sanctorum, adstante primicerio et secundicerio et archidiacono et archipresbytero et cui voluerit, de IIII capitula quod canones prohibent.* This oath *de IIII capitula* was also required from candidates for the subdiaconate, according to Ordo XXXIV where they are clearly explained (Andrieu, III, p. 607): *de quattuor capitulis secundum canones id est: arsenoquita, quod est masculo (sodomy); pro ancilla Dei sacrata, quae a Francis nonnata dicitur (violation of a consecrated virgin); pro IIII pedes (bestiality) et pro muliere viro alio coniuncta aut si coniugem habuit ex alio viro quod a Graecis dicitur deuterogamia (adultery).* These four heinous sins could only be remitted through public penance, but they were not the only ones; public penance was an impediment for Holy Orders since earliest times: various Popes mention this rule, among whom we might quote Pope Gelasius (a. 385): *post paenitentiam ac reconciliationem nulli unquam laico liceat honorem clericatus adipisci* (Ep. ad Himerium Tarracon.). One might therefore ask why candidates for Holy Orders were questioned only about four sins and not about all those sins which were remitted only after public penance. Duchesne (*Christian Worship*, S.P.C.K., London 1904, p. 354, note) suggests that the interrogatories preliminary to Ordination go back to a time when Baptism was received at an adult age, and that it had not in view the present condition of the conscience of the candidate, but his conduct before having received Baptism. While proclaiming the remission of sins, however heinous they might be, by virtue of the sacrament of Baptism the Church might have special requirements in the cases of persons who intended to take Orders. There is no text to prove this conjecture, which, if true, would show that these interrogatories belonged to very early times. Andrieu (vol. III, pp. 550-3) notes that the interdictions consequent on public penance remained long after public penance had fallen into disuse; he therefore suggests that these interrogatories were introduced in the sixth century when the old penitential discipline was no longer in use: it was the means to debar from Holy Orders those who had fallen into the most heinous crimes.

¹⁰Pope Honorius (625-38) adapted the hall of the senatorial Curia to be used as a church which he dedicated to St Hadrian, a martyr of Nicomedia. During the fascist regime the church was dismantled so that the remains of the Curia should come to light again.

In the MS of Ordo XXXVI in the Vatican Library (cod. lat. 3833) instead of St Hadrian's we have the *basilica apostolorum tituli Eudoxiae*, i.e. the Basilica of St Peter ad vincula which towards the middle of the fifth century was already known as *titulus apostolorum*. The Ordo of Benedictus Canonicus (twelfth cent.) has the same indication: *fit collecta ad sanctum Petrum ad Vincula in Eudoxia*. Eudoxia is the empress who contributed funds for the erection of the basilica to house St Peter's chains during the pontificate of Pope Sixtus III (432-40).

ration of the Mass the candidates, *induti planitas*,¹¹ would be standing in *presbyterio* facing the people so that they might be well seen and identified by the faithful. After the second collect¹² of the Mass the names of the candidates for Ordination were read to the people who were invited to declare whether they were worthy or not. A lector or *scrinarius*,¹³ for three times, announced:

Cognoscat fraternitas vestra quia ille et ille advocantur in *tali* vel *tali* officio. Si quis habet contra hos viros aliquam querellam exeat confidenter propter Deum et dicat. Memor sit tamen omnino communionis suae.¹⁴

If no objection was raised with regard to their worthiness they moved to the left side of the altar after the epistle had been read and the

¹¹Ordo XXXIX, 4 (Andrieu, IV, p. 283). The *planeta* was the vestment common to all clerics; acolytes taking part in the stational Mass were vested with it. On Ordination day, just before the bishop questioned the faithful on the worthiness of the candidates, the archdeacon would unvest them of their *planeta*: *psallitur gradale, deinde exiit ipse subdiaconus planeta a diacono* (Ordo XXXIV, 6; Andrieu, III, p. 605). The candidates for the diaconate would remain standing in front of the bishop vested in white albs and holding the *orarium* in their hands.

¹²In the Roman Liturgy the Mass must once have had three lessons regularly, as it still has on certain of the older liturgical days (Ember Wednesday, Wednesday in the fourth week in Lent, Wednesday and Friday in Holy Week). The longer series of readings on Saturday of Ember Week, on the other hand, is the remains of an ancient vigil service. The ancient tradition had on these days twelve lessons.

The formularies on these days are therefore given the following heading in the liturgical books of the earlier Middle Ages: *Sabbato in duodecim lectionibus*. (Jungmann, *Missarum Sollemnia*, vol. I, p. 396, Benzinger Brothers, 1950).

The second collect of the Mass is that preceding the second lesson, which was read after the bishop (when Ordinations were being held on the following Saturday) had questioned the faithful on the candidates for Ordination (Ordo XXXVI, 6-10; Andrieu, IV, pp. 196-7).

¹³Ordo XXXVI has *lector*, Ordo XXXIX has *scrinarius*. *Lector* here must be taken in a generic sense, for the person charged with the reading of the names of the candidates for Ordination. The actual title of such a person is *scrinarius*. The *scrinarii* had charge of the archives of the Church of Rome, they wrote the Pope's letter, drew up official documents, etc; besides it was their duty also to read publicly all solemn proclamations. (Andrieu, IV, p. 274).

¹⁴The formula is still found in our Pontifical, but with a slight change in the concluding words: *memor sit conditionis suae* instead of *communione suae*. It is difficult to give a reason for such change. Righetti (*Storia Liturgica*, IV, p. 297) says that some refer it to the excommunication once incurred when making a false declaration, others (more reasonably) to the reverential fear a layman ought to have before saying anything against the honour of a cleric. This shows, continues Righetti, that Rome, so alien to certain old forms of popular elections, had reduced the questioning to a secondary function, as a mere guarantee in the case of guilty or unworthy candidates.

gradual sung, and there they remained till the end of the Mass.

The same thing was done on the following Friday during the stational Mass at the Church of the Holy Apostles, below the Quirinal.

On Ordination day, it was the Pope himself who questioned the faithful with regard to the worthiness of the candidates. The Gelasian Sacramentary¹⁵ has preserved for us the words of the Pope to the faithful. He said: *Auxiliante Domino Deo et Salvatore nostro Jesu Christo*; and immediately added:

Auxiliante Domino Deo et Salvatore nostro Jesu Christo elegimus in ordine diaconii sive presbyterii illum subdiaconum sive diaconum de titulo illum. Si quis autem habet aliquid contra hos viros, pro Deo et propter Deum cum fiducia exeat et dicat. Verumtamen memor sit communionis suae.

Since early times the faithful have been questioned with regard to the worthiness of the candidates for Ordination, and this is still done today.¹⁶

The Ordination rite of priests and deacons immediately preceded the chant after which the Gospel was read. The same thing happens today but in the early centuries it was different: priests and deacons were ordained after the dismissal of the catechumens as soon as the 'Oratio fidelium' had been said.¹⁷

On Ordination day, the Pope, with his clergy and the faithful and the candidates for Ordination, proceeded in procession to St Peter's at a convenient hour, 'laetantiam cantando'.¹⁸ The Pope went to the sacristy while the candidates for Ordination proceeded to the 'presbyterium'. As soon as the Pope gave the sign the schola intoned the 'antiphona ad introi-

¹⁵ Ed. Wilson, p. 22. Also Ordo XXXVI, 16 (Andrieu, IV, p. 197): *deinde apostolicus legit ipse advocacionis brevem coram populo.*

¹⁶ The testimony of the faithful is still asked for by the bishop immediately before he begins the Ordination rite, but this only as a part of the rite itself: the actual testimony of the faithful is asked for by means of banns in the candidates' parish and in other churches according to C.J.C. 998.

¹⁷ Righetti suggests that the reason for the change was that there were no longer any motives for having Ordinations during the sacrificial Mass, as the presence of catechumens and pagans was no longer to be feared. The Council of Laodicea in the fourth century had prohibited the holding of Ordinations *in conspectu audientium*, but in the early Middle Ages the *disciplina arcani* had long ago fallen into disuse. The solemn *oratio fidelium*, since the time of Pope Gelasius (492-6) had been transferred to the beginning of the didactic Mass and underwent a great change at the time of Gregory the Great (Jungmann, *Missarum Sollemnia*, I, part III, n. 9).

¹⁸ The description we have here is that of the beginning of the Mass as celebrated in Rome in the earlier Middle Ages, a full description of which is found in Ordo I (Andrieu, II, pp. 67-108). The description given here is that found in Ordo XXXVI, 13-16 (Andrieu, IV, p. 197) and in Ordo XXXV, 16-21 (Andrieu, IV, pp. 36-7).

tum' and the Pope proceeded to the altar, where, as soon as he arrived, he prostrated himself 'super orarium quod expansum est ab archipara-fonista' until the chant ended. Rising up he kissed the altar and the Gospel book, and then, supported by the deacon, he went to the throne from where he sang the collect of the day. The Kyrie was not sung immediately after the introit but later on, just before the Ordination rite began.¹⁹ The lesson (or lessons) with the responsory was read, then the epistle; after this the Pope left his throne and went to the altar. Meanwhile the candidates for Ordination were standing 'ad rugas altaris',²⁰ those receiving the diaconate vested in white albs and holding the orarium²¹ in their hands. As soon as the Pope arrived at the altar he turned towards the faithful and called himself the candidates for Ordination mentioning them by name and indicating the region of the city from which they came and their title.²² The archdeacon led the first of the candidates called by hand to the altar, and the others followed. It seems that at this moment the Pope questioned the people with regard to the worthiness of the

¹⁹ Ordo XXXIV, 8 says that the *Kyrie Eleison* is to begin after the Pope invites the people to pray for the candidates (*Oremus dilectissimi*). Ordo XXXV, 23 says that after the invitation for prayer *incoat schola litaniarum*. The Kyrie of the Mass is what remains of a primitive litany (Jungmann, vol. I, part 3, no 9). At Ordination Mass it was omitted at the beginning and substituted by the litany before the Ordination rite began.

²⁰ The *rugae* are metal 'cancelli' or screens of the more sacred parts of the church with their doors and gratings, often made of silver or even gold. (Smith-Cheetham, II, p. 1822; Andrieu, III, p. 604, note 4).

²¹ It is rather difficult to say what is indicated by the word 'orarium', whether the stole, or merely the ancient *sudarium* as Duchesne suggests (*Christian worship*, p. 390-1). Ordines XXXV and XXXVI do not even agree as to its nature: Ordo XXXVI considers it to be a characteristic vestment of the deacon who is vested with it and with the dalmatic by the archdeacon as soon as he is ordained; while Ordo XXXV (which is of a later date) mentions that subdeacons, at the moment their Ordination to the diaconate begins, stand vested in a white alb and with their orarium in their hand (Ordo XXXV, 23), but then it does not mention the orarium at all when speaking of the vesting of the new deacons by the archdeacon. The stole is of Gallican origin and appears in Rome only in the twelfth century. The term *orarium* in the writings of the earlier Middle Ages has sometimes indicated the stole, at other times the *sudarium* and even sometimes the *pallium*. We might suggest that, considering everything, the *orarium* at Rome was a vestment (worn also by acolytes and subdeacons as well as by superior Orders) and that its place was under the outer garment, whether dalmatic or *planeta*: it was merely the ancient *sudarium* (Duchesne, l.c.). The *orarium* mentioned in Ordo XXXVI is the stole, but this Ordo though substantially Roman has been rewritten by a Gallican clerk who introduced a few interpolations (cfr Andrieu, IV, pp. 129-39, 186-7).

²² Ordo XXXIX, 19 (Andrieu, IV, p. 284) gives us the formula for the calling of the candidates for the priesthood: *Talis presbyter, regionis tertiae, titulo tale, Ille*. That for candidates for the diaconate must have been similar.

candidates, and then he invited all to pray for them saying:

Oremus dilectissimi fratres, Deum Patrem Omnipotentem, ut super hunc famulum tuum Ill. quem in sacro ordine diaconatus dignatur assumere benedictionis suae gratiam clementer infundat eique donum consecrationis indulgeat per quod eum ad praemia aeterna perducatur.²³

Then all prostrated themselves, the Pope 'coram altari cum diaconis', 'ceteris consecrandis humiliter post pontificem super tapetia prostratis orantibusque suppliciter largitorem consecrationum'. The schola intoned the litany, and when the *Agnus Dei* was chanted all rose and the Pope said a prayer and a consecratory canon.

The prayer, which is different in each of the three Sacramentaries,²⁴ must be considered as the conclusion of the collective prayer to which

²³ The prayer is as reported in Ordo XXXV, 22. It is slightly different from that of Ordo XXXIV which has no mention of the Order being conferred. It runs as follows: *Oremus... famulum suum quem ad sacro ordine dignatur adsumere, benedictionis suae...* This is in agreement with the Gregorian Sacramentary which has *quem in sacrum ordinem dignatur adsumere*.

The Leonian and Gelasian Sacramentaries have a different wording: *Oremus... ut super hos famulos tuos quos ad officium diaconii vocare dignatur benedictionem gratiae suae clementer effundat et consecrationis indulgentiae propitius dona conservet.*

²⁴ The Leonian Sacramentary gives four formulas in succession; (a) a prayer for divine aid: *Domine Deus preces nostras clementer exaudi: ut quae nostro sunt gerenda servitio, tuo prosequaris benignus auxilio; et quos sacris ministeriis exequens pro nostra intelligentia credimus offerendos, tua potius electione iustifices: per.* (b) the invitation *Oremus dilectissimi...* (c) a prayer which would be the collective prayer to which the faithful have been invited: *Deus conlator sacrarum magnifice dignitatum, quaesumus, ut hos famulos tuos, quos ad officium levitarum vocare digneris, altaris sancti ministerium tribuas sufficienter implere, cunctisque donis gratiae redundantes et fiduciam sibi tuae maiestatis adquirere, et aliis praebere facias perfectae devotionis exemplum: per.* (d) the consecratory prayer *Adesto*. (Eisenhofer-Siffrin-Mohlberg, *Sacramentarium Veronense*, 948-51).

The Gelasian Sacramentary has first the invitation *Oremus dilectissimi*, then under the title *sequitur oratio* the first prayer of the Leonian *Domine Deus preces nostras*, and finally under the title *Consecratio* there is the prayer *Adesto*. (Wilson, p. 26).

The Gregorian Sacramentary as *Orationes ad ordinandum diaconum* has the invitation *Oremus dilectissimi*, followed by the prayer *Exaudi, domine, preces nostras et super hunc famulum tuum spiritum tuae benedictionis emitte, ut, caelesti munere ditatus, et tuae gratiam possit maiestatis acquirere et bene vivendi aliis exemplum praebere. per.* Then the consecratory prayer *Adesto*. (Wilson, p. 7).

In our Pontifical the prayer immediately preceding the consecratory prayer *Adesto* consists of the invitation *Oremus dilectissimi* as found in the Leonian Sacramentary, joined to the first prayer of the Leonian Sacramentary (*Domine Deus*) *preces nostras...* with a slight change towards the end: *offerendos, sua benedictione sanctificet et confirmet.*

the faithful had been invited by the Pope before the litany was intoned.

Immediately afterwards, the following consecratory canon, which is common to the three Sacramentaries and is also found in our Pontifical, was said:

Adesto, quaesumus, omnipotens Deus, honorum datur, ordinum distributor officiorumque dispositor. Qui in te manens innovas omnia, et cuncta disponis per verbum, virtutem sapientiamque tuam Jesum Christum filium tuum dominum nostrum, sempiterna providentia praeparas et singulis quibusque temporibus aptanda dispensas. Cuius corpus ecclesiam tuam, caelestium gratiarum varietate distinctam suorumque connexam discretione membrorum, per legem totius mirabilem conpaginis unitam, in augmentum templi tui crescere dilatarique largiris; sacri muneris servitutem trinis gradibus ministrorum nomini tuo militare constituens electis ab initio Levi filiis, qui mysticis operationibus domus tuae fidelibus excubiis permanentes, hereditatem benedictionis aeternae sorte perpetua possiderent. Super hos quoque famulos tuos, quaesumus, domine, placatus intende, quos tuis sacriis servituros in officium diaconii suppliciter dedicamus. Et nos quidem tamquam homines divini sensus et summae rationis ignari, horum vitam quantum possumus aestimamus. Te autem domine, quae nobis sunt ignota non transeunt, te occulta non fallunt. Tu cognitor peccatorum, tu scrutator es animarum, tu veraciter in eis caeleste potes adhibere iudicium, et vel indignis donare quod poscimus. Emitte in eos, domine, quaesumus, Spiritum Sanctum, quo in opus ministerii fideliter exequendi munere ~~sepiiformis~~ tuae gratiae roborentur. Abundet in eis totius forma virtutis, auctoritas modesta, pudor constans, innocentiae puritas et spiritalis observantia disciplinae. In moribus eorum praecepta tua fulgeant, ut suae castitatis exemplo imitationem sanctae plebis adquirant, et bonum conscientiae testimonium praeferentes in Christo firmi et stabiles perseverent, dignisque successibus de inferiori gradu per gratiam tuam capere potiora mereantur.²⁵

The consecratory prayer was certainly accompanied by the imposition of hands, though only one Ordo²⁶ makes a reference to it, without giving

²⁵ The consecratory prayer is substantially the same in all the three sacramentaries: there are only minor differences in the text. The prayer is also found in our Pontifical with a slight change towards the middle part of the prayer which on our Pontifical runs as follows: *Tu cognitor es secretorum, tu scrutator es cordium. Tu horum vitam coelesti poteris examinare iudicio quo semper praeavales, et admissa purgare, et ea, quae sunt agenda, concedere.*

²⁶ *Singillatim imponens manus capitibus eorum et benedicet eos* (Ordo XXXVI, 18).

any hint at which moment this took place, whether before the consecratory prayer or during it as in our Pontifical. The Pope alone, 'quia non ad sacerdotium sed ad ministerium consecratur', imposed his hands on each single candidate. This imposition of hands was traditional in the Roman Church and is clearly mentioned both in the *Traditio Apostolica* of Hippolytus,²⁷ and in the *Statuta Ecclesiae antiqua*.²⁸ St Jerome, besides, clearly states that the power of order is given not by the consecratory prayer alone, but also by the imposition of hands.²⁹

This consecratory prayer recalls the wording and style of Leo the Great and may perhaps with great probability be attributed to him. An earlier consecratory prayer has been preserved for us in the *Traditio Apostolica*.³⁰ With this prayer the Ordination rite of the diaconate comes to an end: in the Ordines there is no reference at all to the conferment of the stole and of the Gospel book: these were later additions to the old Roman rite and are of Gallican origin.³¹

²⁷ *Diaconus vero cum ordinatur, eligitur secundum ea quae praedicta sunt, similiter imponens manus episcopus solus. Sicuti et praecipimus in diacono ordinando solus episcopus imponat manus propterea quia non in sacerdotio ordinatur sed in ministerio episcopi, ut faciat ea quae ab ipso iubentur; non est enim particeps consilii in clero, sed curas agens et indicans episcopo quae oportet.* (*Traditio Apostolica*, ed. Bottes, *Sources Chretiennes*, II).

²⁸ *Diaconus cum ordinatur solus episcopus, qui eum benedicit, manus suas super caput eius ponat, quia non ad sacerdotium, sed ad ministerium consecratur.* (Andrieu, III, p. 617).

²⁹ *Plerique nostrorum χερσποτονῶν id est ordinationem clericorum, quae non solum ad imprecationem vocis, sed ad impositionem impletur manus (ne scilicet, ut in quibusdam risimus, vocis imprecatio clandestina clericos ordinet nescientes) sic intellegunt, ut assumant testimonium Pauli scribentis ad Timotheum (I Tim, 5, 22): Manus cito nemini imposueris* (Comm. in Isaian, I, 16, c. 58, 10; P.L. XXIV, 591).

³⁰ The prayer runs as follows: *Deus qui creasti omnia et Verbo praeordinasti, Pater Domini Nostri Jesu Christi, quem misisti ministrare tuam voluntatem et manifestare tuum desiderium, da Spiritum Sanctum gratiae et sollicitudinis et industriae in hunc servum tuum quem elegisti ministrare ecclesiae tuae et offerre...* The prayer seems incomplete; in fact both the eighth Book of the Apostolic Constitutions and its Epitome give the concluding part of the prayer: on the altar what is there offered by the bishops, whom you have appointed to glorify Thee, so that, serving you in this Order, without dishonour and in purity, he may be found worthy through your grace of a higher degree, praising you through your Son Jesus Christ Our Lord, through Whom you have with Him Glory, Power, Virtue and Honour with the Holy Ghost now and forever. Amen. This prayer was composed at a time when there were no fixed formulas, and each bishop could compose his own prayer-formulas if so inspired as long as these formulas were correct and orthodox (cfr Righetti, IV, p. 295-6).

³¹ This happened when a Romano-German Pontifical compiled at Mainz about 950 — the basic model of today's Pontificale Romanum — found its way to Luc-ca and Rome (cfr Andrieu, I, part III, chp. 5).

After the consecratory prayer the archdeacon vested the newly ordained deacons with the dalmatic and the orarium;³² then the new deacons, after giving the kiss of peace to the Pope and the clergy, went to stay at the right hand side of the Pope. The proper Gospel of the day was sung by the new deacons and then the Mass was continued 'more solito'.

This vesting by the archdeacon was only for those deacons serving the Church in Rome, the 'diaconi cardinales'; the other deacons, the 'forenses' or 'parrocchiani',³³ left as soon as the consecratory prayer had been said. At the Communion only the diaconi cardinales received it; for how could those receive communion at the altar, at which they had not got the permission to minister? asks the compiler of Ordo XXXV.³⁴

When the Ordination Mass came to an end, each newly ordained deacon returned to his church preceded by 'stratores dominicos duos', who all along would say: 'Tali diacono sanctus Petrus elegit'. And all the clergy who followed the new deacon to his home acclaimed him and he invited his friends to dinner with him.³⁵

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³²Ordo XXXVI, 19 says that the archdeacon takes the oraria from the altar on which they have lain from the day before. We have already suggested that this is a Gallican interpolation, and therefore there is no contradiction with Ordo XXXV which says that the candidates for the diaconate hold the orarium in their hands. The orarium of Ordo XXXV is not the orarium of Ordo XXXVI. In Rome the vestment proper for the deacon was the dalmatic; it was the prerogative of the Roman deacons. In fact only the *diaconi cardinales* i.e. the seven regional deacons received it solemnly on their Ordination day; the other deacons, the *diaconi forenses* were not vested with it.

³³The distinction between the *diaconi cardinales* and the *diaconi forenses* is only mentioned in Ordo XXXVIII, 5-6 (Andrieu, IV, p. 250). The *diaconi cardinales* were seven, one for each of the seven ecclesiastical regions in which Rome was divided. The *diaconi parrocchiani* or *forenses* were the deacons to the various churches of the city.

³⁴*Forenses vero presbyteri vel diaconi nec ad sedem accedunt ad communionem percipiendum, nec super altare communicant. Et quomodo potest fieri ut super illud communicent, ubi licentiam non habent ministrare nec corpus domini consecrare?* (Ordo XXXV, 36).

³⁵*Similiter et diaconi habent stratores dominicos duos, qui antecedunt eos clamando et dicendo: Tali diacono sanctus Petrus elegit. Et respondit cunctus clerus, qui eum sequitur similiter usque in domum suam. Et ipse aepulat cum amicis suis.* (Ordo XXXIX, 31),

DE ORDINE CARITATIS
INTER PROPRIAM ALTERIUSQUE VITAM
IUXTA THEOLOGOS FRANCISCANOS SAEC. XVII

INTRODUCTIO

DE ORDINE caritatis agentes auctores,¹ non semper eodem modo quaestiones particulares solvunt; ratio est, quia varia sunt objecta caritatis, quae obiectivae bonitatis diversimode participant.² Inter haec obiecta, quae speciales difficultates faciunt, numerantur propria et alterius vita, quae quidem ordinate et propter Deum diligendae sunt, nemo est qui dubitet. Certo vita physica, cum non pertineat ad bona omnino necessaria pro aeterna salute consequenda, iuxta omnes aliquando exponi potest vel debet pro bonis superioribus suis vel proximi tuendis; sed quaestio movetur utrum pro bono aequali proximi, scilicet pro eius vita corporali, ceteris paribus, liceat propriam prodere, vel aliis verbis utrum vita proximi corporalis propriae praeferrī possit.³

Quaestio aliquomodo iam adumbrabatur apud antiquos philosophos et gentiles, qui ex una parte quasdam dispositiones vel actus nostros erga alterum, ut generositatem, fidelitatem et amicitiam, tanquam honestas, imo virtuosas habebant, ex alia tamen parte ipsi dilectionem sui nedum negligebant, imo communiter amorem sui ut regulam amoris erga alterum

¹Impossibile est heic referre omnes auctores, de re agentes, tum antiquos, cum modernos; iuvat tamen praeter eos, qui rem tangunt in Commentariis in III librum *Sententiarum* vel in II-II *Summae theologiae* nonnullos prae oculis habere, qui sunt: S. Paschasius (786-c. 860), *De fide spe et charitate* lib. 3 c. 8 (ML 120, 1472-4); H. Busenbaum SJ (1609-68) — C. Lacroix SJ (1652-1714), *Theologia moralis*, Coloniae Agrippinae 1710, ed. 2, lib. 2 tr. 3 c. 2 dub. 1, (tom. 1, pp. 138-47); S. Giribaldi Cr (+ 1720), *De principiis moralitatis actuum humanorum decemve praeceptis Decalogi* in *Opera Omnia*, tom. 4, Bononiae 1760, coll. 364-7; J. A. Del Vecchio, *Theologia moralis universa*, Mediolani 1855, tr. 6 disp. 3 c. 2, tom. 1, pp. 653-56; F. M. Cappello SJ, *De caritatis ordine*, in *Casus Conscientiae* (curant. P. Palazzini — A. De Jorio, Torino 1958) P. i. pp. 277-81 et J. E. Van Roey, *De virtute charitatis* quaestiones selectae, Mechliniae 1929, *De ordine charitatis*, pp. 317-60.

²Cf. J. E. Van Roey, o. c., pp. 327-36; 348-60.

³De obligatione vitam alterius propriae praeponendi cf. e. g. I. Malderus, *De virtutibus theologicis et iustitia et religione*, Antverpiae 1616, q. 26 a. 5 ass. ult., p. 210a.

statuebant.⁴ Similiter res se habebat apud SS. Patres et antiquiores theologos.⁵ Attamen quaestio expresse disputationi theologicae non fuit subiecta donec theologi posteriores, incipiendo, uti nobis videtur, a Durando,⁶ Petrum Lombardum vel S. Thomam aut S. Bonaventuram commentaverint; quorum alii explicite permittunt vitam alterius, iuxta ordinem caritatis, propriae praeferre, alii tamen id prohibent.

Ratio huiusmodi divergentiae deduci videtur ex duplici conceptu, nempe egocentrico et altruistico,⁷ circa naturam caritatis et amoris in genere. Iuxta alios enim caritas esse non potest nisi erga alterum⁸ et eo

⁴ Cf. passim ex.gr.: Aristoteles, *Ethica Nicomachea* in *Opera Omnia*, ed. Firmin Didot, vol. II, Parisiis 1883; Terentius, (c. 190-159 a.C.), *Andria* in *Comoediae sex cum notis Joh. Minellii*, Venetiis 1744; Seneca, *De beneficiis* trad. da B. Varchi, in *Opere morali*, Milano s.d. et Cicero, *Laelius*, in *Opera Omnia* vol. III, Lipsiae B.G. Teubner 1884-9.

⁵ Sic inter alios: Tertullianus (c. 160-c. 220), *Apologeticus adversus gentes*, 39, ML 1; S. Augustinus, *De mendacio*, 6, ML 40; S. Gregorius Magnus, *Homilia* 17 et 38 in *XL Homiliae in Evangelia*, ML 76; Alcuinus (730-804), *Commentaria in S. Iohannis Evangelium*, 8, ML 100; Petrus Lombardus (c. 1100-60), *Libri IV Sententiarum* lib. 3 d. 29 et lib. 4 d. 15, ed. Quaracchi vol. II, 1916; S. Thomas, *Summa theologiae* II-II q. 26, ed. P. Caramello, vol. II Taurini-Romae 1952; S. Bonaventura, *In III librum Sententiarum* d. 29, ed. Quaracchi, vol. III Ad Claras Aquas 1887; I. Duns Scotus, *Quaestiones in IV librum Sententiarum* d. 15, ed. L. Vivès, tom. 18, Parisiis 1894.

⁶ G. Durandus A.S. Porciano, *In Sententias theologicas P. Lombardi commentarium* lib. 4 d. 17 q. 6 *Utrum fortis secundum fortitudinem virtutis moralis debeat vel ei liceat in quocumque casu eligere mortem*, ed. Rovillius, Lugduni 1587, pp. 764b-766a.

⁷ Circa hanc quaestionem ingens habetur litteratura auctorum, praesertim modernorum, quorum nonnulli hic citantur: A. Adam, *Der Primat der Liebe*, Kevelaer 1939; M.C. D'Arcy, *The mind and heart of Love. Lion and unicorn. A Study in eros and agape*, London 1945; G.M. Cella OFMConv, *Dall'amore di speranza all'amore di carità*, in *Miscellanea Francescana*, 53 (1953) 153-89; J.P. Dallaire, SJ, *La dualité de notre amour*, in *Sciences Ecclésiastiques*, 3 (1950) 183-93; A. Nygren, *Erös et agapè: la notion chrétienne de l'amour et ses transformations*, 3 voll., Paris 1940-52; W.J. Philbin, *The scholastic teaching on the nature of charity*, in *Irish Ecclesiastical Record*, 69 (1933) 20-46; E. Ranwez, *An amor concupiscentiae adversatur amori benevolentiae?* in *Collationes Namurcenses*, 26 (1932) 419-26. et P. Rousselot, *Pour l'histoire du problème de l'amour au Moyen Age*, in *Beiträge zur Geschichte der Philosophie des Mittelalters*, 6 (Münster W. 1908, Heft VI) 1-104.

⁸ S. Gregorius Magnus, *Homilia* 17, l.c., col. 1139: 'Ecce enim binos in praedicationem discipulos mittit, quia duo sunt praecepta caritatis, Dei videlicet amor, et proximi, et minus quam inter duos caritas haberi non potest. Nemo enim proprie ad semetipsum habere charitatem dicitur, sed dilectio in alterum tendit, ut caritas esse possit'. Alii auctores loquuntur etiam de caritate ut amore erga proximum, sic ex.gr. H. Weber, *La carità cristiana*, trad. G. Sandri, Roma 1947; H. Yaben, *Importancia especial del mandato de amor al prójimo en la ley cristiana*, in *Estudios Bíblicos*, 4 (1932) 109-18.

maior quā maiora bona, ut ipsa vita corporalis, pro proximo ponantur; iuxta alios autem caritas ab ego incipere oportet,⁹ neque, per consequens, licitum est, ceteris paribus, propriam vitam pro altero ponere.¹⁰

Ad quaestionem recte solvendam alia consideratio prae oculis habenda est, illa nempe quae eruitur ex natura praecepti propriam vitam conservandi, quod continetur in illo 'Non occides'.¹¹ Etenim huiusmodi praeceptum, iuxta alios, permittit vitam alterius propriae praeferre, quandoquidem uti in se continet partem affirmativam, semper obligare non oportet; dum e contra pro aliis hoc praeceptum, quia negativum, est gravissimum, prohibens hominem propriam vitam perdere aut eam periculo exponere, eo quod homo non sit dominus eius.

Nec quaestio est mere speculativa, quia multi dantur casus, qui diversimode iudicari possunt iuxta diversam quaestionis solutionem. Ita in antiquitate casus nonnullorum gentilium, quos Cicero inter alios nobis refert;¹² casus S. Paulini episcopi et S. Didymi;¹³ casus P. Ioannis Bapt.

⁹ S. Augustinus, *De Civitate Dei*, I, 20 (ML 41, 34): 'quoniam regulam diligendi proximum a semetipso dilector accepit: quando quidem scriptum est, *Diliges proximum tuum, tanquam te ipsum*'. Cf. etiam S. Bernardinus OFM, *Quadragesimale de evangelio aeterno*, in *Opera Omnia* cura Ioannis de la Haye Parisini OFM, tom. II, Venetiis 1745, pp. 42b-43a.

¹⁰ Huius quaestionis difficultas atque momentum patet adhuc ex recenti discussione inter auctores circa liceitatem transplantationis organorum humanorum; nam, cum alii ex una parte asserant quod, si liceat propriam vitam alteri dare, ut constat ex Ioann. 15, 13, a fortiori unum organum, uti oculorum, renum aliorumque organum gemellorum, ex motivo caritatis alteri licite cedere oporteat, alii vero id aperte negent. Sic explicite affirmat inter alios P. Bongiovanni, *Del trapianto d'un membro*, in *Perfice Munus*, 29 (1954) 697: 'Trattando della carità verso il prossimo è pure unanime presso gli A.A. il consenso nell'ammettere come atto altamente lodevole e sublime, il dare la propria vita per un altro, non solo per la sua salvezza spirituale, ma anche per la sua salute fisica. E questo non è del resto che un'eco dell'affermazione solenne di Gesù: 'Nessuno ha carità...'. Cui tamen refutat inter ceteros L. Bender, *Transplantatio organorum humanorum* in *Perfice Munus*, 32(1957) 91: 'Refutatio e contra est res facillima et obvia. Ut ratiocinatio 'a fortiori' probet, requiritur ut in utraque parte loquamur de eodem modo quo actus fiunt. In transplantatione autem agitur de 'directe se privare organo'. Hoc certissime... est a fortiori licitum, si directe se privare vita (pro proximo) sit licitum. Sed proprie numquam est licitum.' Cf. etiam J.M. Balirach SJ, *Cotejo de opiniones sobre transplantes humanos*, in *Sal Terrae*, 44 (1956) 84-91; G. Bosio SJ, *Il problema dei trapianti sotto l'aspetto morale*, in *La Civiltà Cattolica*, 107 (1956 IV), 382-94; G.B. Guzzetti, *Problemi del quinto comandamento*, in *La Scuola Cattolica*, 86 (1958) 161-85, 241-63; J. Pereda SJ, *La mutilación y el transplante de órganos*, in *Estudios de Deusto*, 2 (1954) 475-525; J.M. Saiz, *Los transplantes de órganos humanos ante la moral*, in *XVI Semana Española de Teología*, Madrid 1957, pp. 493-532 et B. De Maria - G. Perico, *Il problema dei trapianti umani*, Roma 1958.

¹¹ Ex. 20, 13.

¹² Cf. cap. I art. 21. 4.2) huius.

¹³ S. Paulinus de Nola 'ex nobilissimo et opulentissimo factus est pro Christo

Romani;¹⁴ recenter casus Mariae Theresalinae¹⁵ et casus famosus Patris Kolbe, qui mortem voluntarie adivit pro quadam persona privata.¹⁶ Iamvero quaeritur quis sit ordo caritatis inter propriam et alterius vitam, et quomodo explicari possit illud quod homo non est dominus vitae suae.

Auctores, etsi ex uno alterove capite problema, sic propositum, insinuaverint, nondum tamen, secundum nostrum iudicium, ex professo de

pauper et humilis, et quod supererat, seipsum pro redimendo viduae filio, quem Wandali Campania devastata captivum in Africam abduxerant, in servitutem dedit' (*Martyrologium Romano-Seraphicum*, 22 iunii, Levanti 1911, p. 94). Cornelius A. Lapide SJ, *Commentaria in Sacram Scripturam*, tom. III, p. 257a: 'Si licet vitam ponere pro vita amici, multo magis licet pro eius pudicitia, aliave virtute defendenda. Sic S. Didymus vitam exposuit pro vita et castitate S. Theodora, dum mutatis cum ea vestibus pro ea in lupanari remansit: unde postea cum eadem martyrio laureatus est'. Cf. etiam *Diz. Stor. Eccl.*, 74 (1885) 19a-b.

¹⁴ Cornelius A. Lapide, *ib.*: 'Memorable est quod in Annalibus Societatis Iesu legimus, P. Ioannem Baptistam Romanum in naufragio arreptam tabulam Iudaeo cuidam cecidisse ea lege, ut si enataret, Christianus fieret; enatavit uterque, Iudaeus tabulae incubans, Baptista mari, aut potius Deo: itaque sibi temporalem quam spiritualem vitam impertit: Iudaeus enim tantae charitatis exemplo victus manus nomenque Christo dedit, ac baptismo regeneratus Christiano deinceps ritu vixit'.

¹⁵ I. Omaechevarria OFM, *Una victima perfecta*, Vitoria 1949, pp. 133-4: '... Mas fijemos nuestra atención en Madre Aldetrudis. Le quitaron no sólo las gafas, sino también el anillo y el velo. Entonces M.M. Teresalina, con un gesto rápido, cubrió con su velo a la Superiora, que justamente tuvo tiempo para consumir la sagrada forma, retirándose a un corredor inmediato. Comunión emocionante de la Madre Superiora, bajo la sombra blanca... 'En esto se oyen disparos en la galería-prosigue Sor Priscila — Madre M. Aldetrudis sale diciendo: — Voy a ver lo que ocurre. — No vaya usted, que la van a matar — le dijimos nosotras. Pero ella salió seguida de M.M. Teresalina'. Gritos de angustia de las enfermeras seculares que están en la sala de enfrente. Filomena... sale corriendo. Madre Aldetrudis la toma de la mano para llevarla a la sala de los niños. Se presenta un grupo de forajidos, el más joven de los cuales grita: A matarlas! Madre M. Teresalina, que ve el peligro, con rápida y heroica decisión, se pone delante de la M. Superiora, cumpliendo sin titubeos su promesa de la víspera, y recibe sobre su cuerpo tres disparos. — Madre! Yo me muerdo! gime al caer en tierra. A matarlas. También a las otras! Y así cayó también Madre M. Aldetrudis...'. Cf. etiam FMM. *Jusqu'à la mort*, Roma 1956, pp. 123-4.

¹⁶ Huiusmodi factum breviter nobis narrat J. Pereda, *l.c.*, p. 496: 'Se escapó un prisionero del pabellón que él ocupaba y vino orden brutal de diezmar a los restantes, si no aparecía el fugitivo. Los condenados entraban desnudos en el subterráneo de la muerte y allí habían de morir de frío, hambre y sed sin remedio. Solo se abriría la puerta para ir sacando los cadáveres. Entre los designados a tan terrible martirio, se encontraba Frank Gajowniczek, casado y padre de pobres niños.... Cuando se inicia la marcha, verdaderamente macabra, da un paso adelante el P. Kolbe y dice: 'Yo quiero ir a la muerte en substitución de ese padre de familia', y con horrible frialdad responde el jefe: 'Admitido'. Y entra en el subterráneo de la muerte y allí alienta a los demás y sufre lo indecible; sin exhalar una queja, y muere él último de todos el 14 de agosto de 1941'.

eodem tractaverunt. Certe pro felici exitu solutionis, vel saltem pro maiori claritate eius, studium profundius atque magis universale, ut apud principaliores scriptores totius christianitatis, desideratur, quod tamen in praesenti studio minime intendimus attingere; sed quaestionem tantum ad theologos franciscanos saeculi XVII limitamus, nempe E. Rodriguez, F. Pitigianis, H. Villalobos, I. Poncium, P. Marchant, E. Bassaeum, B. Mastrium, G. Herincx, I.G. Boyvin, A. Cotonium, P. Sporer, L. Brancati, A. Hermann, A. Reiffenstuel, B. Sannig et A. Gavelli. Ratio quare auctores saeculi XVII interrogamus est quia ipsi, cum sua opera scripserint tempore quo theologia moralis ut scientia autonoma nuper facta erat, aliquod momentum pro historia eiusdem conficienda, saltē respectu quaestionis de ordine caritatis, habere poterant; ratio autem cur auctores franciscanos interrogamus est quia in quaestione de natura caritatis, ideoque etiam de eius ordine, schola franciscana dicitur sequi aliam conceptionem, quam vocant ecstaticam,¹⁷ vel moralem,¹⁸ diversam ab illa thomistica, quae physica appellari solet,¹⁹ vel etiam quia

¹⁷ P. Rousselot, *l.c.*, pp. 3-4: 'La conception extatique... est d'autant plus accusée chez un auteur, qu'il prend plus de soin de couper toutes les attaches qui semblent unir l'amour d'autrui aux inclinations égoïstes: l'amour, pour les tenants de cette école, est d'autant plus parfait, d'autant plus *amour*, qu'il met plus complètement le sujet 'hors de lui-même'. Il s'ensuit que l'amour parfait et vraiment digne de ce nom requiert une réelle *dualité* de termes: le type du véritable amour n'est plus, comme pour les auteurs précédents, celui que tout être de la nature se porte nécessairement à lui-même. L'amour est tout à la fois extrêmement violent et extrêmement libre, parce qu'on ne saurait lui trouver d'autre raison que lui-même, indépendamment qu'il est des appetits naturels; violent, parce qu'il va à l'encontre de ces appetits, qu'il les tyrannise, qu'il semble ne pouvoir être assouvi que par la destruction du sujet qui aime, par son absorption dans l'objet aimé. Étant tel, il n'a pas d'autre but que lui-même, on lui sacrifie tout dans l'homme, jusqu'au bonheur et jusqu'à la raison. La conception extatique de l'amour a été exposée avec infiniment d'art, de ferveur et de subtilité par quelques-uns de ces mystiques éperdument dialecticiens qui sont les figures les plus originales du XIII^e siècle; on la rencontre à S. Victor, dans l'Ordre de Cîteaux, dans l'école d'Abélard, et les traces en sont reconnaissables dans la scolastique des franciscains'.

¹⁸ G. Gillemann SJ, *Le primat de la charité en théologie morale* ed. 2 Bruxelles Bruges-Paris 1954, pp. 135-6: 'La volonté n'est pas nécessitée, même par la mise en présence de son souverain bien dans la vision; A plus forte raison n'est-elle pas déterminée par l'ordre métaphysique ici-bas... Tout l'ordre ontologique thomiste de la béatitude est accepté par Scot. Mais précisément l'ordre de la volonté libre et de l'amour humain est *distinct* de cet ordre *métaphysique*, et c'est pourquoi il est 'moral' et non 'physique' ni 'naturel': il n'est pas sur le plan de l'inclination foncière. Dès sa première démarche appréhensive, la volonté est libre et ne 'se' détermine que par son propre choix spontané...'. Cf. etiam J. Rohmer, *La finalité morale chez les théologiens de S. Augustin à Duns Scot*, in *Études de philosophie médiévale*, Paris 1939, p. 283.

¹⁹ P. Rousselot, *l.c.*, p. 3: '... Physique, cela va de soi, ne signifie pas ici

ipsa caritas in spiritualitate franciscana magnum momentum obtinere dicitur.²⁰

Nos autem diligenti facta investigatione apud praefatos auctores franciscanos invenimus alios permittentes vitam alterius propriae licite praeferre, quorum sententiam et argumenta in cap. I exponimus et crisi subicimus; alii vero occurrunt qui hunc ordinem caritatis prohibent, de quorum sententia argumentisque sermo in cap. II habetur.

CAPUT I

SENTENTIA AUCTORUM

VITAM ALTERIUS PROPRIAE PRAEFERRE PERMITTENTIUM

Art. I. EXPOSITIO SENTENTIAE

Ex auctoribus franciscanis saec. XVII, qui, de quaestione utrum ceteris paribus liceat necne vitam alterius propriae praeferre tractant, nonnullos invenimus affirmative respondentes, qui sunt: E. Rodriguez, F. Pitigianis, H. Villalobos, I. Poncius, E. Bassaeus, B. Mastrius, G. Herincx, I. G. Boyvin, A. Cotonius, A. Reiffenstuel, B. Sannig et A. Gavelli.

Rodriguez praeprimis tenet ipsum ordinem caritatis permittere ut inter personas privatas alter pro altero vitam periculo exponere possit,²¹ a

corporel: les partisans les plus décidés de cette manière de voir ne regardent l'amour sensible que comme un reflet, une faible image de l'amour spirituel. *Physique* signifie *naturel*, et sert ici à désigner la doctrine de ceux qui fondent tous les amours réels ou possibles sur la nécessaire propension qu'ont les êtres de la nature à rechercher leur propre bien. Pour ces auteurs, il y a entre l'amour de Dieu et l'amour de soi une identité foncière, quoique secrète, qui en fait la double expression d'un même appétit, le plus profond et le plus naturel de tous, ou, pour mieux dire, le seul naturel. Cette manière de voir est celle, par exemple, de Hugues de S. Victor dans son traité *de Sacramentis*; c'est celle de S. Bernard dans le *de Diligendo Deo*; elle trouve un appui très ferme dans les doctrines néo-platoniciennes du Pseudo-Denys. Elle fut, enfin, précisée et systématisée par S. Thomas. C'est S. Thomas, s'inspirant d'Aristote, qui en dégage le principe fondamental, en montrant que l'*unité* (plutôt que l'*individualité*) est la raison d'être, la mesure et l'idéal de l'amour; il rétablit, du même coup, la continuité parfaite entre l'amour de convoitise et l'amour d'amitié. La conception *physique* pourrait encore s'appeler la conception gréco-thomiste'.

²⁰ Cf. v. gr.: I. Heerincx OFM (1877-1937), *De momento caritatis in spiritualitate franciscana*, in *Antonianum*, 13 (1938) 19-32, 135-170 et 475-488 et v. *Charité*, in *Dict. Spirit.* 2 (1953) 498-691; L. Bracaloni OFM, *La carità caposaldo della spiritualità francescana e cristiana*, in *Studi Francescani*, 27 (1939) 357-80.

²¹ E. Rodriguez OFM (1570-1613), *Summa casuum conscientiae*, Venetiis 1615, c. 12 *De amore in proximum*, P. I, ff. 10d-11a: 'Quamvis teneamur amare nos ma-

fortiori ex motivo gratitudinis.²² Quem sequuntur chronologice Poncius,²³ Cotonius²⁴ et Sannig;²⁵ solus vero Cotonius de periculo expresse distinguit dicens ut agatur de illo cum aliqua spe, non vero de certo periculo aut de certe morte.²⁶ Ceteri auctores huius sententiae alii aliter distinguunt. Pitigianis requirit ut non agatur de solo motivo caritatis erga proximum, sed de motivo, ut aiunt, particulari virtutis,²⁷ vel etiam quando agatur de motivo caritatis erga proximum, necesse est tamen ut propria vita periculo tantum ponatur ad impediendam mortem alterius certe immi-

gis quam proximos quantum ad bona spiritualia, in temporalibus tamen non est ista obligatio, & sic licite possumus ponere vitam nostram temporalem ad periculum propter vitam proximi, quod limitatur nisi simus valde utiles Reipublicae & ille pro quo ponimus vitam, non est sic utilis, & secundum hanc limitationem debet/intelligi quaedam doctrina communis, quae affirmat posse nos demere panem ab ore nostro, etiam in extrema necessitate, & praebere illum proximo posito in eadem necessitate, ut colligatur ex eo quod resolvit Bannezius.'

²² E. Rodriguez, o.c.c. 138 An licitum sit alicui exponere vitam periculo f. 164 bc: 'Si aliquis est positus in tabula aliqua in medio maris, non est licitum relinquere eam alteri, ut salvetur in ea; si vero non est adhuc positus in ea, sed habet eam apud se pro simili necessitate, bene poterit eam tradere alteri, licet putet illud fore causam sibi mortis, quia in hoc casu solum est causa negativa propriae mortis. Haec sententia est Soti, qui vult dicere non esse licitum relinquere tabulam, postquam est positus super eam, est tamen licitum non capere eam, licet sit coram oculis; quia/sic habet se solum negative, non vero cooperari mori suae: quod est licitum, ut bene fiat proximo, praecipue si sit persona, cui debeat multum & si hanc rationem penetraret Nau, non discessisset ab opinione Soti'.

²³ I. Poncius OFM (+1660), *Theologiae cursus integer*, Lugduni 1671, disp. 32 De praecepto charitatis q. 3, p. 392b: '...posset quis exponere se vitae periculo, ut succurrat extreme laborantibus'.

²⁴ A. Cotonius Toft (1613-82), *Controversiarum celebrium ad Statum et mores Christianae Reipublicae pertinentium libri decem* P.I. lib. 1 contr. 6 De praeceptis fidei spei & charitatis p. 70a: '...Itaque praedictas sententias sic conciliandas puto, ut non liceat mortem certam subire ad salvandam cuiusvis privati vitam... Luceat tamen illam periculo exponere cum aliqua spe'.

²⁵ B. Sannig OFM (1637-c. 1704), *Scholae theologiae Scotistarum* IV. tr. 2 dist. 8 q. 2, p. 190a-b: 'Potest licite in extrema fame, vel/naufragio constitutus, proximo suo eadem necessitate laboranti ossam panis, vel tabulam cedere ad evadendum, etsi ipsemet certo sit periturus fame, vel naufragio. Ita Victoria, Toletus, Herincx, Navarrus, Lessius etc'.

²⁶ Cf. nota 24 huius.

²⁷ F. Pitigianis OFM (1553-1616), *Summa theologiae speculativae et moralis*, Venetiis 1616, p. 2 d 29 q. un. a. 4. p. 318b: 'Nunquam licet ponere vitam pro vita alterius privati ex amore quidem charitatis, quo s. quisque alterius vitam magis amet, quam propriam... Dixi autem id non licere ex amore charitatis anteponendo vitam alienam vitae propriae; quia potest esse alius duplex modus, quo potest quis licite oppetere mortem pro servanda vita alterius. Prior modus est si id fiat non proprie ex amore vitae alterius, sed potius virtutis amore, & ad aliorum exemplum...'

nentem.²⁸ Post Pitigianis similiter tenent Bassaeus, Mastrius, Herincx, Boyvin et Reiffenstuel, videlicet ut homo agat ex motivo virtutis. Sic Bassaeus asserit quod revera virtus licite praefertur vitae corporali.²⁹ Mastrius exigit motivum alicuius virtutis,³⁰ Herincx approbat motivum plurimum virtutum,³¹ Boyvin loquitur de virtute generositatis et fortitudinis³²

²⁸ F. Pitigianis, *ib.*, p. 319a: 'Licitum esse ex charitate ad impediendum mortem alterius certo imminentem certo [sic!] exponere vitam propriam (non quidem certae morti hoc. n. non licet, ut ante dictum est) sed periculo probabili mortis; ita docet, & recte Durandus ubi supra. Et probatur manifesta ratione: nam vita alterius, quae eo modo conservabitur, maius bonum est, quam incolumitas a periculo probabili mortis propriae; sicut & certa mors alterius, maius malum est, quam periculum probabile mortis propriae. Quare qui id faciet nihil committet contra ordinem charitatis, siquidem ex praescripto charitatis maius bonum proximi praefendum est minori proprio, non autem aequale'.

²⁹ E. Bassaeus OFM Cap (1585-1670), *Flores totius theologiae practicae*, tom. I Antverpiae 1660, v. *Charitas*, p. 132a: 'Nihilominus communis sententia est in contrarium: unde dicendum videtur honestum esse & laudabile, vitam ponere pro amico: modo adhibeantur quaedam conditiones. *Primo*, ne vita ponatur pro vita... nihil aliud spectando, quam ut proximus indemnis servetur: nam si comparamus vitam cum vita... secundum rectam rationem, bonum meum mihi est praefendum; unde dici solet quemque sibi proximum, et charitatem incipere a se ipsa, quod si comparamus vitam cum honestate virtutis, iam apparet, me mihi magis consulere, quam amico, cum ipsi conservem bonum corporale, mihi autem comparem spirituale...'

³⁰ B. Mastrius OFM Conv (1602-73), *Theologia moralis*, Venetiis 1688, ed. 3 disp. 10 De praecceptis virtutum theologicarum, p. 218b: '... Quamvis autem quoad bona corporalia... caeteris paribus unusquisque magis seipsum diligere debeat, quam proximum; non autem contra hunc charitatis ordinem faceret, si quis ex motivo alicuius virtutis pro tuenda amici vita propriam exponeret, imo hoc, tamquam perfectae amicitiae officium commendatur a SS. Ambrosio lib. 3 de offic. c. 12 et Hieron. in c. 7 Mich...'

³¹ G. Herincx OFM (1621-78), *Summa theologica scholastica et moralis*, P. 3 Antverpiae 1680, disp. 11 De charitate q. 7, p. 213b: '... Praeterea inhaerendo priori sententiae, adhuc advertit Suarez d. 9 sect. 3 n. 7 solum esse peccatum veniale, etsi exponatur vita pro extraneo, eo quod inordinatio sit parva seu excessus modicus, qui ex pondere velut aequali vitae proximi quam plurimum alleviatur; immo si alia motiva jungantur, v.g. beneficia accepta, utilitas Ecclesiae vel boni publici etc. ex toto potest compensari, morsque citra propriam cooperationem honeste subiri. Quae doctrina Suarez probabilissima est. Valentia quoque et alii passim fatentur id esse licitum concurrente simili causa v.g. gratitudinis, pietatis, fidelitatis, amicitiae etc. eo quod tunc non tam proximus prae nobis, quam opus virtutis prae usura brevi vitae ametur.

A fortiori quoque licite, immo sancte quis vitam pro proximi vita exponit, concurrente aliquo altiori motivo honoris Dei aut salutis animarum, vel boni communis...'

³² I. G. Boyvin OFM (+ 1680), *Theologia Scoti* in quatuor partes divisa, Parisiis 1682, P. 4 tr. 1 De virtutibus theologicis disp. 3. c. 1 q. 8 Quisnam sit ille ordo, qui extare debet in actibus charitatis? p. 152: 'Licet autem hoc [quod ex charitate non debeamus exponere nostram vitam temporalem pro vita temporali alte-

et Reiffenstuel ultimo requirit motivum alicuius heroicae virtutis.³³

Deinde, quoad motivum amicitiae, Villalobos permittit ut corpus amici proprio praeferri possit.³⁴ Quocum concordant Mastrius,³⁵ Herincx,³⁶ Boyvin³⁷ et Gavelli.³⁸ Etsi Bassaeus aliquomodo motivum amicitiae exaltet, non tamen id vult simpliciter, nempe quando agitur de sola amicitia, speciatim humana, sed necesse est ut agatur de casu obligationis.³⁹

Praeterea notandus est modus, quo vita alterius propriae praefertur, quia auctores diversimode sententias proferunt. Etenim alii adhibent verba 'vitam ponere' vel 'eam exponere' sine ulla additione, sic Bassaeus,⁴⁰ Mastrius⁴¹ et Herincx;⁴² vel simpliciter dicunt proximum licite praeferre sive antepondere, ut Reiffenstuel⁴³ vel se ipsum postponere, ut Gavelli.⁴⁴ Alii vero adhibent 'vitam exponere periculo' aut certo periculo aut simpliciter periculo mortis, sic Rodriguez,⁴⁵ Pitigianis,⁴⁶ Villalobos,⁴⁷

rius] non debeat fieri ex amore vitae alterius, quae est simile bonum vitae propriae, potest tamen fieri ob amorem virtutis, nempe generositatis & fortitudinis, quae est bonum superioris ordinis...'.⁴⁸

³³ A. Reiffenstuel OFM (1641-1703), *Theologia moralis*, Mutinae 1763, tr. 4 De virtutibus theologicis, tom. 1, p. 170a: 'Dico notanter *per se loquendo*, id est, nisi adsit altius motivum spirituale, alicuius heroicae virtutis...'.⁴⁹

³⁴ H. Villalobos OFM (+ 1637), *Summa de la theologia moral*, vol. 2 Barcelona 1640, tr. 3 De la caridad, p. 31b: 'En algun caso seria licito poner a peligro la vida por el amigo'.⁵⁰

³⁵ Cf. nota 30 huius.

³⁶ Cf. nota 31 huius.

³⁷ I. G. Boyvin, o. c., p. 153: 'Adde quod, si hoc ultimum non debeat fieri ex charitate, fieri tamen potest ex amicitia...'.⁵¹

³⁸ A. Gavelli OFM (+ 1712), *Breviarium universae theologiae*, Bononiae 1692, P. 3, tr. 1 disp. 10 De charitate q. 3, p. 259: 'Ceterum observandum est pradic-tum ordinem charitatis quoad bona corporalia... non ita necessario esse servan-dum, quin saepius sit licitum ea postponere bonis corporalibus alterius... In-super licitum est id facere cum amico propter Deum dilecto...'.⁵²

³⁹ E. Bassaeus, o. c., tom. 1 p. 132a: '... Quarto, saepe melius erit omnibus consi-deratis, se non exponere pro altero, nisi in casu necessitatis, seu obligationis: hinc pro sola honestate amicitiae praesertim humanae, saepe non erit prudentiae vitam exponere: & sic conciliari possunt diversae Authorum sententiae, & con-traria argumenta dissolvi'.⁵³

⁴⁰ *Ib.* Cf. etiam nota 29 huius.

⁴¹ Cf. nota 30 huius.

⁴² Cf. nota 31 huius.

⁴³ A. Reiffenstuel, o. c., p. 170a: 'Dico notanter *per se loquendo*... nisi adsit al-tius motivum spirituale, alicuius heroicae virtutis, quod traheret aliquem ad praeponendum vitam alterius propriae periclitantis'.⁵⁴

⁴⁴ Cf. nota 38 huius.

⁴⁵ Cf. nota 21 huius.

⁴⁶ Cf. notae 27, 28 huius.

⁴⁷ Cf. nota 34 huius.

Poncius,⁴⁸ Bassaeus,⁴⁹ Cotonius⁵⁰ et Reiffenstuel.⁵¹ Alii tandem terminum adhibent 'mortem adire' vel 'eam oppetere' aut se ipsum morti tradere ut Rodriguez,⁵² Pitigianis⁵³ et Boyvin.⁵⁴

Hinc isti auctores, ut nobis videtur, his diversis terminis idem asserere satagunt, nempe ordinem caritatis, in eodem ordine bonorum, permittere vitam alterius propriae praeferre. Divergentiae tantum explicari possunt: quia alii et alii, visa difficultate ex parte adversa circa ordinem caritatis asserente nullam esse rationem, ceteris paribus, vitam alterius propriae praeponere, statim adducunt motivum virtutis vel amicitiae vel alia motiva particularia; sicque, secundum eosdem auctores, homo, vitam alterius ex motivo virtutis propriae praeferendo, revera non agit perpere aut contra ordinem caritatis, sed virtutem propriae vitae corporali praeferre dicitur.

Art. 2. EXAMEN ARGUMENTORUM

Argumenta, quibus sententiam propositam praefati auctores probant, desumuntur ex S. Scriptura, ex SS., Patribus, ex theologis, ex philosophis atque ex ratione. Haec omnia reduci possunt ad auctoritatem et rationem, quaeque nunc exponenda et crisi revocanda sunt.

I. ARGUMENTA AUCTORITATIS

I. Ex S. Scriptura

Potiora argumenta pro hac prima sententia sustinenda sumuntur ex SS.

⁴⁸ Cf. nota 23 huius.

⁴⁹ E. Bassaeus, o. c., tom. 2 Antverpiae 1659, v. *Homicidium*, p. 374a: '... Dicendum tamen est, licitum esse & laudabile vitam corporalem in aliquo eventu ad servandam vitam corporalem amici aequalis conditionis certo periculo exponere'.

⁵⁰ A. Cotonius, o. c., p. 70a: 'Nunquam licet se occidere; licitum tamen est mortis periculum subire propter maius bonum: non solum proprium, sed etiam alienum. Et quandoque etiam debitum, semper tamen urget bonum proprium, nempe virtutis, quam quisque sibi praevaluit, quam aliis'.

⁵¹ A. Reiffenstuel, o. c., p. 170a: '... Quod idem quamplures Doctores de vita corporali, quando uterque est in aequali vitae periculo, sentiendum putant per se loquendo, et si caetera sunt paria'.

⁵² E. Rodriguez, o. c., f. 164d: 'Illicitum est ob salutem temporalem hominis privati tradere se morti. Haec conclusio est divi Augustini, quae probatur, quia tenetur homo amare se, & proximum, ita ut non amittat vitam suam, quod homo est dominus suarum rerum temporalium, non tamen est dominus vitae suae...'

⁵³ Cf. nota 28 huius.

⁵⁴ I. G. Boyvin, o. c., P. 4, pp. 152-3: 'Licet autem hoc non debeat fieri ex amore vitae alterius... potest tamen fieri ob amorem virtutis, nempe generositatis & fortitudinis... Unde Aristoteles Ethic. cap. 8 dicit: *Qui pro aliis mortem obire consueverunt, eligunt quoddam magnum honestum sibi ipsis*. In hoc conciliatur opinio Doctorum, quorum alii dicunt, non esse vitam aliorum anteponendam propriae, & alii sustinent, licitum esse mori pro proximo'.

Litteris, et quidem ex textibus Ioann. 15, 13 et I Ioann. 3, 16; quibus aliquando accedit illud Prov. 12, 26. Quos omnes singillatim consideramus.

1) Ioann. 15, 13: 'Maiorem hac dilectionem nemo habet ut animam suam ponat quis pro amicis suis'.⁵⁵

Hunc primum textum adducunt Pitigianis⁵⁶ et bis Villalobos⁵⁷ ad probandam suam thesim, nempe quod Christus, in illam sententiam pronuntiando, simpliciter loquebatur de amicis, ergo de eorum vita corporali servanda bene poterat intelligi. Sed videndum est utrum huiusmodi affirmatio sustineri possit et quomodo.

Antiquiores scriptores, data occasione, illud 'pro amicis' intelligebant pro proximo vel pro eius salute in genere, sine distinctione inter vitam spirituales et corporalem, ex quo asserebant quod licite et laudabiliter pro illa quis posset propriam vitam ponere. Sic quasi unanimis currebat interpretatio⁵⁸ usque ad Dominicum Soto, qui primus omnium, ut nobis

⁵⁵ Contextus est Ioann. 15, 12-17, in quo Christus nobis tradidit praeceptum fraternae caritatis. Cf. L. C. Fillion, *La Sainte Bible commentée*, Paris 1912, tom. 7 p. 56b. Pro argumenti informatione cf. inter alios: A. Sustar, *De caritate apud S. Ioannem*, in *Verbum Domini*, 28 (1950) 257-70 et E. Vandeur, *Aimez-vous les uns les autres*, Maredsous 1949.

⁵⁶ F. Pitigianis, o.c., p. 318b: 'Dixi autem id non licere ex amore caritatis anteponendo vitam alienam vitae propriae; quia potest esse alius duplex modus, quo potest quis licite oppetere mortem pro servanda vita alterius. Prior modus est si id fiat non proprie ex amore vitae alterius, sed potius virtutis amore, & ad aliorum exemplum... & in hoc sensu intelligendi sunt D. Thomas in 3 d. 29 quaest. unica artic. 5 ad tertium. lib. 1 de regimine principum. & 2.2 q. 26 art. 4 ad 2. & Franciscus Victoria in relect. de homicidio n. 24 & Sotus lib. 5 de iust. & iure q. 1 art. 6. Quod prius docuerunt Arist. 6 Ethic. c. 8 et lib. 9 ubi dicit quod oportet pro amicis multa pati, & mori si oporteat. Lactantius lib. 6 de divinis inst. c. 18 D. August. lib. 4 confess. c. 6 & lib. de amicitia c. 10. expresse docet vitam corporis ponendam esse pro amico, ut sanxit inquit divina autoritas, nimirum ad verbum Christi alludens. Ioan. 15. Maiorem charitatem nemo habet &c. & Cicero lib. de amicitia idem asserit'.

⁵⁷ H. Villalobos, o.c., vol. 2 tr. 12 De homicidio, p. 217b: 'También es licito poner la vida a peligro por el amigo... conforme a lo que dixo Christo Maiorem charitatem...'

⁵⁸ Sic inter alios citari possunt: S. Augustinus, *In epistolam Ioannis ad Parthos tractatus* X, 5, 3 loquitur de mori pro fratre: 'Accipere autem calicem salutarem, et invocare nomen Domini, hoc est satiari charitate; et ita satiari, ut non solum non oderis fratrem, sed paratus sis mori pro fratre' (ML 35, 2014); Tertullianus, o.c., ML 1, 534 intelligit pro alterutro mori: 'Vide, inquit, ut invicem se diligant; ipsi enim ad occidendum [sic!] alterutrum paratiores erunt'; Alanus De Insulis (c. 1120-1202), *Summa de arte praedicatoria*, 21 (ML 210, 154) similiter habet animam ponere pro amicis: 'Si ergo omni proximo amicus persecutionis tempore et non tantum prosperitatis; noli esse amicus mensae aut fortunae sed tribulationis, ut eius adversitates tuas facias compatiendo, ut eius dolorem tuum facias condolendo; eius passionem tuam facias compatiendo, quae est maior charitas quam animam ponere pro amicis suis, et charitatem extendere ad inimi-

videtur, incepit videre in illo 'pro amicis' etiam solam vitam corporalem, scilicet Christum de sola vita corporali etiam intellexisse; ratio est quia ille aperte citabat ad propositum philosophorum diciturum, nempe *Amicus est alter ego*, quod sine dubio apud philosophos significabat vitam corporalem.⁵⁹

Huiusmodi explicatio statim sibi acquirit sectatores, inter quos est Azor, asserens revera Soto sic interpretasse locum iohanneum ut nondaretur ratio cur nos distingueremus, cum Christum non distinxerit de quam vitam amicorum.⁶⁰ Similiter Sylvius ex hoc textu una cum illo I Ioann. 3, 16 arguebat quod, cum hic nulla facta fuerit distinctio inter vitam spiritualem et corporalem amicorum, bene intelligere possumus etiam de vita corporali eorum.⁶¹ Tandem Cornelius a Lapide textum Ioannis explicite pro hac prima sententia affert dicens propriam vitam licite exponi posse pro amici vita, nempe corporali;⁶² nec aliter iudicant Scavini et Berardi, imo asserunt S. Ioannem Chrysostomum sic etiam intellexisse.⁶³

cos'; N. Lyranus OFM, *Commentarius in Ioannem*, Lutetiae Parisiorum 1660, tom. 4, p. 520a: loquitur de corpus exponendo pro *proximo*: 'Et ideo cum corpus proprium sit maximum bonum, quod nobis remanet pro proximo exponendum, patet quod in tali expositione est maximum signum dilectionis ad proximum'.

⁵⁹ D. Soto OP, *De iustitia et iure* lib. 5 q. 1 a. 6, Lugduni 1564, p. 295: 'Et primum auctoritas Christi, si meditate perpendatur, hunc plane sensum facit: tametsi non desint qui cavillantes dicant Servatorem nostrum hunc tantum docuisse, quod liceat vitam corporalem pro spirituali amici, sicut ipse fecit, exponere. Enimvero quamvis ipse ad hoc propositum illud citaverit, nihilominus diciturum illud vulgo inter philosophos circumferebatur: illud nimirum ubique docentes, Amicus est alter ego. Quare eorum sensus non ad vitam spiritualem referebatur, sed ad hoc quod ius amicitiae sit cum periculo propriae vitae bona amici etiam temporalia tueri. Quocirca Christus vulgatum allegans axioma, eundem sensum approbavit: videlicet quod cum charitas sit, dispendium caeterorum bonorum amici gratia facere: haec tamen summa sit ut etiam vitam ponas'.

⁶⁰ I. Azor SJ, *Institutionum moralium* pars. 2, Romae 1606, p. 702b: 'Recte igitur Sotus probat loco citato, licitum esse cuique pro amico corporalem vitam amittere, ita ut sit fortitudinis officium, simul & charitatis opus. Quod videtur ostendi ex illo Christi Ioan. 15. *Maiorem hac...* Quod si dicas hoc locum habere, quando quis vitam corporalem perdit, ut vitam spiritualem amici servet, quod suo exemplo Christus ostendit: contra hoc, illud est, quia Christus absolute, & simpliciter dixit: ut animam suam ponat pro amicis suis. Ergo non est cur nos distinguamus'.

⁶¹ Cf. F. Sylvius, *Commentarii in totam secundam secundae S. Thomae Aquinatis* q. 26 a. 4, Venetiis 1726, tom. 3, pp. 123a-7b.

⁶² Cornelius A Lapide, o. c., tom. 3, p. 257a: 'Hinc consequenter inferunt theologi per charitatem licere amico pro tuenda amici vita periculo obiiicere... Denique Christus, Ioan. 15. *Maiorem*, inquit, *dilectionem nemo habet*, quam ut animam suam ponat quis pro amicis suis'.

⁶³ P. Scavini (1790-1869), *Theologia moralis universa* ad mentem S. Alphonsi, tom. 2, tr. 8 disp. 3 c. 2, Novariae 1853, ed. 6, p. 699: 'Sed utrum liceat privato

Attamen contra hanc explicationem surgit obiectio adversariorum, dicentes quod hic textus non est intelligendus absolute et ceteris paribus, seu de sola vita corporali comparanda ex utraque parte: sic Sporer.⁶⁴ Brancati textum iohanneum ita intelligit ut quis propriam vitam corporalem licite exponat tantum pro vita spirituali privati hominis seu amicorum;⁶⁶ eodem modo id vult Hermann, qui S. Augustinum sic etiam affirmantem intelligit.⁶⁶ Huiusmodi obiectio auctoritate etiam roboratur; nam non desunt auctores, qui in illo 'pro amicis' expresse intelligunt salutem spiritualem proximorum vel amicorum.⁶⁷ Alii vero auctores, ut Salme-

vitam suam exponere pro salute alterius privati ex motivo virtutis christianae, v.g. quia ipsa aptior est ad promovendam gloriam Dei, alii negant, quia tunc charitas non esset bene ordinata, et adhuc esset proximum diligere plus quam se ipsum. At affirmant communius cum Ioanne Chrysostomo, qui etiam de vita corporali intelligit ea Scripturae verba: *Maiorem hac dilectionem nemo habet, ut animam suam ponat quis pro amicis suis* (Io 15); tunc non praefertur praecise vita proximi, sed bonum virtutis vitae propriae, ut ait Angelicus, in 3 dis. 29 a. 5^o. AE. Berardi, *Theologia moralis*, vol. 2, tr. 1 sect. 3 c. 3 art. 2, Faventiae-Ratisbonae-Romae 1904, p. 51: 'Multi docent tantundem dici non posse de bono vitae (cuius homo non est dominus); sed alii censent vitam quoque in periculum poni posse pro bono proximi vita periclitantis, etsi vita illius non esset pretiosior; unde aiunt licitum esse proximo peste laboranti inservire, cum aequo certo mortis periculo, et in communi naufragio tabulam socio cedere. Doctrina ista nedum probabilis sed certissima mihi videtur, et censeo id non solum licere, sed heroicum virtutis actum includere. Ita censet quoque S. Io. Chrysostomus, qui etiam de vita corporali intelligit illa Iesu Christi verba (Io 15, 13): *Maiorem hac...*'.

⁶⁴P. Sporer OFM (+ 1683), *Theologia moralis super Decalogum*, tom. 2, tr. 5 c. 2 sect. 3, Salisburgi 1702, p. 162a: 'Dixi: per se loquendo, caeteris paribus. Sistendo nimirum in solo ordine charitatis inter communes proximos aequaliter se habentes... Si bona fide putem, me esse in statu gratiae, aggressorem vero in statu peccati mortalis (prout vere semper est iniustus aggressor) ideoque si occidatur, in aeternum dampnandus, non teneor ut me defendam ipsum occidere, sed me occidi sancte permittere possum... Atque de his, & similibus teoriam (non autem absolute, & caeteris paribus) intelligendum est illud Christi apud S. Ioannem 15^o'.

⁶⁵L. Brancati OFMConv (1612-93), *Commentaria in IV Sententiarum Iohannis Duns Scoti*, tom. 4 disp. 10 De ordine charitatis, Romae 1676, p. 153b: 'Prob. secunda pars ab aliquibus ex... illo eiusdem cap. 15 *Maiorem charitatem nemo habet*... Sed non sunt ad rem, quia loquitur de bono spirituali amicorum'.

⁶⁶A. Hermann OFM (+ 1700), *Ethica sacra*, tom. 2, Aphor. 15, Herbipoli 1698, p. 211b: 'Opponitur 1. Auctoritas Scripturae Iohannis 15, dicitur: *Maiorem charitatem nemo habet, ut animam suam ponat quis pro amicis suis*, ergo ponere animam est actus charitatis, et consequenter licitum animam exponere pro amicis. Respondetur Christum loqui de eo, qui exponit vitam corporalem pro spirituali alterius, ita hunc locum intelligit S. Augustinus lib. de mendacio cap. 6'.

⁶⁷Sic S. Bernardinus, o.c., p. 43b: 'Tertius quoque modus huius dilectionis est pro salute animae proximi tradere vitam corporalem: ultra autem hunc gradum dilectio nequaquam potest intendi teste Domino Io. 15. *Maiorem hac dilectionem...*'. Cf. etiam Dionysius Cartusianus (1402-1471), *Enarratio in Evangelium*

ron⁶⁸ et, inter modernos, Ceulemans,⁶⁹ Martini,⁷⁰ Lagrange⁷¹ alique, visa forsā difficultate habita inter theologos, nihil de vita amicorum penitus distinguunt. Unde dicimus quod hoc argumentum, auctoritate gravium theologorum, ut Soto, Azor aliorumque, certe sustentari potest.

2) I Ioann. 3, 16: 'In hoc cognovimus caritatem Dei, quoniam ille animam suam pro nobis posuit: et nos debemus pro fratribus animas ponere'.

Hic est alter textus S. Ioannis, quem patroni huius primae sententiae allegant; ex nostris tamen auctoribus solus Pitigianis textum adducit ad probandam sententiam Dominici Soto, asserentem ordinem caritatis permittere vitam alterius propriae praeferre.⁷² Iamvero qualem vim probativam habeat hic locus iohanneus, en interpretatio auctorum.

Alii occasione huius textus tenent ordinem caritatis non prohibere quominus pro vita temporali quis propriam ponat, praesertim ratione amicitiae;⁷³ alii tamen ad propositum expresse affirmant quod ex hoc textu

secundum Joannem, in *Opera Omnia*, tom. 12, art. 37 (Monstrolii 1901, p. 457b) et I. Pontas (1638-1728), *Dictionarium casuum conscientiae*, tom. 1, Venetiis 1772, v. *Caritas*, pp. 168b-169a.

⁶⁸ A. Salmeron SJ (1515-85), *Commentarii in Evangelicam Historiam*, tom. 9, Coloniae Agrippinae 1613, p. 450b: 'Adhaec charitatis est de suo, si potest, benefacere; maior est, si seipsum in ministerium, & servum impendat; verum illa maxima, & suprema, si ponat animam suam pro amico, quam hoc loco nobis commendavit atque praescripsit Dominus Iesus Christus...'

⁶⁹ F. C. Ceulenmans, *Commentarius in Evangelium secundum Joannem*, ed. 2, Mechliniae 1901, pp. 213-4: 'Majorem hac dilectionem nemo habet, quam ut animam suam ponat quis pro amicis suis, quod ego pro vobis facturus sum. Explicat illud 'sicut dilexi vos', et suo exemplo discipulos stimulat ut similiter pro invicem mori parati sint...'

⁷⁰ A. Martini (1720-1809), *La Sacra Bibbia*, vol. 3, Milano 1848, p. 331a-b similiter rem insinuat.

⁷¹ M. — J. Lagrange OP (1855-1938), *Evangile selon Saint Jean*, ed. 5, Paris 1936, p. 407: 'Mais la phrase est tournée autrement, de façon que l'affection du Christ soit comparée seulement à la plus forte qui existe parmi les hommes, qui savent mourir pour leurs amis (Rom. V, 7). Jo. n'ignorait pas que la tendu (X, 16), mais ce n'était pas la question. Son discours est adressé à des disciples, qui doivent être prêts à mourir les uns pour les autres, comme il est prêt à mourir pour eux'.

⁷² F. Pitigianis, o. c., p. 318a: 'Altera sententia est Soti lib. 5 de iust. & iure q. 1 art. 6 dicentis licitum esse anteponere bona temporalia proximi bonis temporalibus propriis, & vitam proximi, vitae propriae; quem sequitur Aragona... hoc probari potest... 1 Ioan. 3'.

⁷³ Sic, asserit I. Lorin SJ, *Commentaria in catholicas tres B. Ioannis*, Lugduni 1609, p. 82b: 'Ceterum pro vita temporali alterius propriam ponere, charitas per se non dictat quidem, sed ut ait Augustinus (de mend. c. 6), hoc esset diligere proximum plus quam seipsum, quod doctrinae regulam excedit. Nihilominus honeste faceret, & laudabiliter, qui mortem pro alterius vita servanda oppeteret, virtutis amore atque ad aliorum exemplum, & praesentibus debitis circumstantiis; verbi gratia, ex honestissima inter se copulatis amicitia, posset alter mori pro

licet nobis propriam vitam corporalem ponere pro vita spirituali amicorum vel proximorum. Sic inter alios Laymann expresse ex hoc textu id probat dicens quod proximo in extrema necessitate spirituali constituto succurrendum est cum iactura propriae vitae corporalis;⁷⁴ neque aliter se habet Martini.⁷⁵

Nobis videtur probabilior esse argumentatio Laymann aliorumque, pro qua contextus S. Ioannis maxime facit. Etenim Apostolus heic non agit nisi suos christianos exhortari ad proximo succurrendum tum in eius necessitate spirituali (v. 16) cum in eius necessitate corporali (v. 17).

3) Prov. 12, 26: 'Qui negligit damnum propter amicum, iustus est'.⁷⁶

Hic ultimus textus scripturisticus adducitur a Pitigianis, Villalobos et Bassaeo pro hac prima sententia roboranda, non quidem directe, sed indirecte. Etenim iuxta Pitigianis illud 'damnum' intelligendum est pro bonis tantum corporalibus, quorum homo est dominus;⁷⁷ similiter id accipiendum est iuxta Villalobos, qui adhuc dicit quod sic intellexerunt expositores S. Thomae;⁷⁸ tandem iuxta Bassaeum id sumendum est pro bonis externis.⁷⁹ Attamen iuxta alios illud 'damnum' sumi oportet etiam

altero, magis amando seipsum hac in re, quam proximum, ratione boni spiritualis, quod inest in amicitiae virtute'.

⁷⁴ R. Laymann, *Theologia moralis*, tom. 1, p. 175b: 'Proximo versanti in extrema, & moraliter insuperabili necessitate spirituali succurrendum est cum certo periculo propriae vitae: dummodo spes aequae certa proximum iuvandi affluat... convenienter S. Ioan. epist. 1 cap. 3...'.
⁷⁵ Cf. A. Martini, o. c., tom. 3, p. 895a-b.

⁷⁶ Statim notamus ipsum textum habere varias lectiones. Etenim cum textus originalis sit obscurus et difficilis intellectu, ammanuenses et exegetae non concordant in tradendo nobis lectionem veram. Lectio tamen heic allata est illa quam latinus interpres nobis reliquit, quem exegetae et scriptores generatim praeseferebant. Sic, inter alios, N. Lyranus, *Postilla*, in *Biblia Sacra* cum glossa interlineari, ordinaria et Nicolae Lyrani *Postilla*, tom. 3, f. 321b aperte prae oculis habet solam lectionem latinam. Paulo aliter L. C. Fillion, o. c., tom. 3, pp. 256b-7a. Studium Biblicum OFM, *[Libri Sapientiales, in Novum Testamentum vol. 4]* Peking 1947, p. 167 nonnullas lectiones ponit, quin aliquam earum praeferre videatur.

⁷⁷ F. Pitigianis, o. c., P. 2, p. 318a-b: 'Pro solutione huius difficultatis pono aliquas conclusiones. Prima conclusio. Licitum est homini omnia bona temporalia quorum est dominus s. divitias, honorem, in casu necessitatis etiam temporalis propter proximum, / maxime propter amicum amittere'.

⁷⁸ H. Villalobos, o. c., vol. 2, p. 31a: 'Licito es al hombre perder todos sus bienes temporales, de los cuales es señor (como son honra y hacienda) en caso de necesidad, por el proximo, mayormente si es amigo. Asi lo dicen Santo Thomas, y Aragon, y los demás expositores, y consta de lo que se dice en los Prov. *Qui negligit damnum propter amicum, iustus est*'.

⁷⁹ E. Bassaeus, o. c., tom. 1, p. 132a: 'In bonis temporalibus, vita, fama, fortunis, licitum est & honestum diligere magis proximum quam seipsum; haec conclusio in fama & bonis externis satis certa videtur; ex Proverbij c. 12'.

pro ipsa vita physica, eo quod neque S. Thomas occasione huius textus, distinguebat de quonam damno, sed simpliciter asserebat hominem pati debere detrimenta corporalia propter amicum. Sic Vitoria explicitam argumentationem ex S. Doctore eruit dicens eum tenuisse quod omne detrimentum corporale sustinendum est propter amicum.⁸⁰ Alii vero illud 'dammum' pro lucro temporali⁸¹ vel pro proprio interesse⁸² sumunt.

Nos tamen dicimus quod etsi argumentatio Vitoria probabilitate gaudet, sententia vero auctorum nostrorum probabiliorem esse videtur, nempe hic textus *indirecte* tantum probare hominem licite vitam alterius propriae praeponere, et quidem eo sensu quod ipse ita propria bona, vita inferiora, pro amico negligere satagit, ut, etiamsi exindemors sequatur, eam non timeat; quod S. Thomas in illis detrimentis corporalibus intellexerit etiam ipsam vitam physicam, videtur ipse non cogi ad hoc, eo quod, cum loquatur de detrimentis corporalibus pro amico sustinendis, non distinguendo de quibusnam, ergo de quibusdam, minime vero de omnibus detrimentis necessario intelligere poterat aut debebat. Unde Cornelius a Lapide, textum Proverbiorum commentans, ponit explicitè auctoritatem S. Thomae pro confirmatione lectionis latinae, quin mentem eius interpretetur, etsi ipse postea pergat ad ulterius et explicitius eruendam sententiam licite ponendi ipsam vitam corporalem pro vita amici: quod adhuc confirmatur auctoritate scriptorum exemplisque Sanctorum et personarum illustrium.⁸³

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⁸⁰ F. Vitoria, *De caritate et prudentia*, in *Comentarios a la Segunda Secundae de Santo Tomás*, tom. 2, Salamanca 1932, p. 106: 'Sed in contrarium est quia absolute dicit Sanctus Thomas quod omne detrimentum corporale debet homo pati propter amicum. Praeterea, in principio articuli dicit quod quoad bona spiritualia debet homo se magis diligere quam proximum: ergo a contrario sensu, in temporalibus non tenetur se magis diligere'.

⁸¹ Sic N. Lyranus, *ib.*, 'Qui negligit damnum, temporale. Propter ami. idest propter sublevationem amici. Iustus est. quia amicus est magis diligendus, quam lucrum temporale, sed lucrum spirituale est magis diligendum quam amicus'.

⁸² Ita L. Fillion, o. c., tom. 4, p. 472a: 'Negligit damnum, C-à-d. que 'le juste est prêt à négliger, et même à sacrifier ses propres intérêts pour le prochain'.

⁸³ C. A. Lapide, o. c., tom. 3, p. 257a: 'Denique S. Thom. 2.2 q. 26 art. 4 ad. 2. docet ex hac Salomonis sententia, ex charitate negligi posse bona temporalia ob maius bonum amicitiae, non vero spiritualia... Hinc consequenter inferunt Theologi per charitatem licere amico vitam pro tuenda amici vita periculo obicere...'

BRITAIN'S ASSURANCES TO PROTECT THE ROMAN CATHOLIC RELIGION IN MALTA

AFTER the two years of French occupation of Malta and in conclusion of the insurrection made by the Maltese to oust the French, a capitulation was signed by General Graham and Captain Martin, as representatives of His Britannic Majesty and his Allies, and by General Vaubois and Rear-Admiral Villeneuve, as representatives of the French Republic respectively. As persons interested in this cession, the Maltese claimed to be represented in the transaction and wanted to sign the capitulation, but they did not. Some historians have said that Vaubois, as a reprisal to the inhabitants' insurrection against the Republic, positively refused to treat with the Maltese or with anybody representing them, and that Graham, fearing lest procrastination might impair the success of the negotiations, gave way.

Other historians and the Maltese politicians of 1812 asserted that it was the British Crown that did not allow the Maltese to be present as a party in the capitulation, while the French were even ready to leave hostages before their departure, as a guarantee for the payment of their debts towards the Maltese.¹

Two years later, in a Memorandum, the Maltese complained to Lord Hobart, the English Minister for War and Foreign Secretary, that 'our blood, our labours, our rights and all our interests were either forgotten or despised' in the above-mentioned capitulation.² But they were so eager to place themselves under British Protection and to show their loyalty to the British Crown, that, no matter how indelicate the procedure had been, they rejoiced that their Island was now under British sway.

The English, on their part, did acknowledge that the Maltese were a brave, active and hardy race and that, if they could firmly be attached to the British Crown, it would be extremely difficult to wrest Malta out of their possession. Besides, they acknowledged too that the French troops had been expelled from the island by the allies with the valuable assistance of the Maltese;³ consequently, the latter had every right to expect the due respect to their ancient rights and privileges.

The English felt bound by this duty towards the Maltese from the very beginning of their rule over Malta. As a matter of fact among the in-

¹ Royal Commission 1812, *Report*, p. 170.

² Debono, P., *Sommario della Storia della Legislazione in Malta*, p. 266, not. 30.

³ R.M.L. - *Collezione di Bandi 1784-1813*, passim.

structions given by Sir Ralph Abercromby, Commander-in-Chief of all the British forces in the Mediterranean, to General Pigot, to whom the supreme authority over the Island had been entrusted, there was the explicit task of confirming all the rights, privileges and immunities in Church and State to the Maltese, and to acknowledge the Bishop of Malta as the head of the Maltese Church.⁴

The English soon became aware that the thing most at heart to the Maltese was the Roman Catholic Religion and immediately exploited this popular sentiment. General Thomas Graham exhorted the Maltese to fight the French and to bear patiently all trials for the country and for Religion. In his appeal to the brave Maltese, he remarked: *Il vostro patriotismo, il vostro coraggio, la vostra Religione supplicano a tutte le manchezze... le Potenze che agiscono in alleanza pel sostegno della civile società e della Religione si affrettarono al vostro sollievo... All'armi dunque, o Maltesi, sia l'universale grido dell'Isola: per Dio e per la patria.*⁵

On the 20th February, 1801, the new representative of H.M. the King, Major General Henry Pigot, complying with the instructions given him, in a Proclamation expressed the King's assurances of availing himself of all possible means to render the people of Malta contented and happy. He added that he was highly impressed by the people's subordination to the existing laws and their gratitude towards Divine Providence, and asserted that this obedience together with *due regard to Religion and respect to its Ministers* would bring happiness to their country. He ended with a renewal of the assurances to the people for the *full enjoyment of their Religion, their property and their freedom.*⁶

At the request of the Maltese, the military and civil powers of the Island were separated, and after General Pigot's departure, Charles Cameron was appointed Civil Commissioner on the 14th May, 1801. Among other instructions he received the following from Lord Hobart: 'With respect to the Inhabitants, to use every endeavour consistent with your public duty to meet their wishes, to show yourself indulgent even to their prejudices and to omit no fair opportunity of conciliating their affection and ensuring their fidelity to the Government under which they are now placed.'⁷ Two months later, on the 15th July, the new commissioner issued a Proclamation whereby he assured the Maltese of the King's paternal care and affection towards them and pledged H.M.'s *full protection and the enjoyment of all their dearest rights, their churches,*

⁴ Laferla, A.V., *British Malta*, Vol. 1., p. 9; Hardman W., *Malta under the French and British Occupation 1798-1815*, p. 336.

⁵ R.M.L.-Collezione di Bandi 1784-1813, p. 55.

⁶ Ibid. pp. 61-62.

⁷ Laferla, A.V., op. cit., p. 20, not. 1.

*their holy Religion, their persons and their possessions.*⁸

In a letter sent to Lord Hobart he expressed his opinion that, if the King were to declare the Bishop of Malta (who was titular Archbishop of Rhodes and Suffragan to the Archbishop of Palermo) Metropolitan Bishop and the Roman Catholic Religion the established Church as was the case in Canada, his action would have a very favourable effect upon the Maltese.⁹

By this time negotiations had already been started between England and France, and among the articles discussed there was that of placing Malta under a third power. Public meetings were held all over the Island. A great meeting of Maltese representatives decided to send a deputation to London to the King in person. The party arrived in London on the 1st February 1802, but it was not allowed to present the petition to the King. The Deputies had to content themselves with addressing letters to Lord Hobart.¹⁰

On the 27th March the final treaty was signed at Amiens. Lord Hobart forwarded to the Maltese deputies the Article of the Treaty, by which the Islands of Malta, Gozo and Comino were returned to the Order of St John on the same conditions as they were held before the war, but under the protection of Great Britain, France, Austria, Spain and Russia, with a garrison of 2,000 troops to be furnished by the King of Naples. This Article was made known to the people by the Proclamation of the 18th May of the same year.¹¹ It was a great blow to the Maltese.

A month later, on the 15th June, a Maltese National Congress issued a *Declaration of Rights*, whereby the Sovereign of the United Kingdom and his successors would be the Sovereigns of Malta; in case of cession of the Islands only the Maltese people would have the right to choose their ruler; the King's representatives would be bound to observe the Constitution to be drawn by the General Congress and approved and sanctioned by His Majesty; the people and popular Council would have the right to send letters and deputations to the King directly; the right of legislation and taxation would appertain solely to the Popular Council, but laws and taxes would be approved by the Governor; the King would be the Protector of our Holy Religion, as he has been in the past, and his representatives would have the right to such honours in Church as the Rulers of these Islands had in the past; no other temporal sovereign would have any jurisdiction in spiritual and temporal matters of these Islands, and spiritual matters would be decided by the Pope and by the

⁸ R.M.L. - *Collezione di Bandi* 1784-1813, p. 67.

⁹ Hardman W., op. cit., p. 360.

¹⁰ A copy of these is preserved at the Archbishop's Archives.

¹¹ R.M.L. - *Collezione di Bandi* 1784-1813, pp. 77-79.

respective Generals of the Monastic Orders; all men would be free to choose their religion: other religions than the Roman Catholic would be tolerated, but no one would have the right of molesting, insulting or disturbing those professing other religions; no private person would have the right over the life, property and freedom of others.¹²

Articles 6, 7 and 8 reveal to us the mind of our ancestors of those times with regard to Religion. They wished that the King should protect our Religion as was his duty after the assurances of the first days of the cession of Malta to England, and that spiritual matters should be dealt with by the Church and the Pope. The Generals of the Monastic Orders, even if they were of a different nationality, were not to be deprived of their jurisdiction over their subjects. The Church in turn would give the King's representatives such honours as were given to temporal rulers of the Island in the past; and would tolerate all other religions, provided peace and concord were kept among them.

Not because of this declaration, but because of other political reasons convenient to England the provisions of the Treaty of Amiens were never carried out: nay, on the 16th May, 1803, war was again declared between England and France.

During Sir Hildebrand Oakes's governorship (1810-13), the Maltese politicians gave evident signs of agitation in favour of a political reform, and in June 1812 the British Government appointed a Commission composed of William A'Court, John Burrows and Oakes himself. This Commission's task was to enquire into all matters concerning the Civil Government, Laws, Judicial Proceedings, Revenues etc., in order to promote the interests of the Maltese people and of the British Crown.¹³

With regard to the Roman Catholic Religion, the Commissioners submitted that 'it was more prudent for the time being to abstain from any material alteration in the Ecclesiastical Establishment' and added that 'prior to the introduction of any innovation whatever in ecclesiastical matters, not only the consent of the Ecclesiastical Authority was to be obtained, but also the concurrence and approval of the Head of the Romish Church.'¹⁴

On the 4th October, 1813 there arrived in Malta, that was at the time plague-stricken, Sir Thomas Maitland, as successor to Oakes, with the new title of Governor and Commander-in-Chief in and over the Island of Malta and its Dependencies, as also of all the Forts and Garrisons erected and established, or would be established within the same.¹⁵ The next day of his arrival, Sir Thomas issued a Notification stating to the Maltese that His Royal Highness the Prince Regent was taking interest in their welfare, and that he was determined to recognize the people of

¹² Debono P., op. cit., pp. 271-272; Laferla A.V., op. cit., pp. 23-33.

¹³ Royal Commission 1812, *Report*, pp. 5-6.

¹⁴ Ibid. pp. 121-122.

¹⁵ Laferla, A.V., op. cit., p. 91.

Malta and Gozo as subjects of the British Crown, and, as such, 'entitled to His fullest protection, and worthy of the assurance of freedom in the exercise of their Religion and in the reform of their laws, and of the maintenance of the Ecclesiastical Establishment'.¹⁶ Maitland's declared policy towards the Holy See was 'to behave in a manner that accorded with the strictest views of His Holiness as far as was consistent with his duty to His Sovereign, and to attend to them on every occasion, so long as they harmonized with the important interests of His Royal Master'.¹⁷

Of a paramount importance was the despatch addressed to the Governor in July by Lord Bathurst, the Secretary of State. This despatch was a true echo of the Report of the above-mentioned Commission, and as Laferla puts it, 'it rings down the curtain on the past and heralds such reforms in the government and in the administration of justice, that it is undoubtedly a milestone in Maltese civic life'.¹⁸ Our sole concern is its policy on ecclesiastical matters. It insisted upon the free exercise of the Roman Catholic Religion in Malta and it suggested no material alteration in ecclesiastical affairs.¹⁹

The Governors who succeeded Maitland were all well aware of these promises and assurances, and consequently of the strict obligation of the English Kings and of the British Government to respect and to protect the Roman Catholic Religion in Malta. Whenever a Secretary of State or any Protestant Society attempted to fail in this duty, they almost invariably tried to remind them of the solemn guarantees made, verbally or in writing, to the Catholic inhabitants of the Island.

Thus, when in August 1829, Lord Murray instructed Sir Frederick Ponsonby (1827-36) to sanction and publish in Malta the application of the Emancipation Act, the Governor showed himself contrary to such action, grounding his refusal upon the fact that, when the Island became a British Colony, His Majesty assured the Maltese, in the fullest manner, the free exercise of the Catholic Religion and the preservation of the Ecclesiastical Establishment.²⁰ In another despatch addressed to the Secretary of State a year later, he expressed his unfailing anxiety to prevent by every means in his power anything like a collision of opinion upon religious subjects, by following the precedent established by Sir Thomas Maitland and by the Marquis of Hastings his predecessors, who had founded regulations respecting the ceremonies of the Roman

¹⁶ R.M.L. - *Raccolta di Leggi, Proclami ecc.* 1813-59, pp. 5-6. Malta, Atti Ufficiali, Vol. I., 1813-20, p. 2.

¹⁷ Laferla, A.V., op. cit., p. 111.

¹⁸ Ibid. p. 95.

¹⁹ Ibid. p. 93.

²⁰ R.M.L. - *Despatches* 1829: Ponsonby to Murray: 18.viii. 1829, p. 183.

If the Relief Act were to be applied to Malta, it would entail the imposition of

Catholic Church, without giving any reasonable cause of jealousy to the Protestant residents.²¹

While the proposal of the building of a Protestant Church in Malta was being discussed, Governor Sir Henry Frederick Bouverie, writing in 1837 to Lord Glenelg, the then Secretary of State, remarked that the British Government was solemnly pledged to maintain and protect the Roman Catholic Church in Malta.²²

In 1848, the Hon. Richard O'Ferrall, Catholic and Civil Governor of Malta, in a despatch to Lord Grey concerning the Oath question, remarked that the imposition of the formula prescribed by the British Government on the Maltese would not only be an act of bad policy, but could also be directly contrary to the solemn promises which Great Britain had made to the Maltese.²³

What motives induced the Governors in Malta to take such a stand in the defence of our claims for the respect and protection of the Roman Catholic Church? What were the reasons that induced the British Government to fulfil — up to a certain extent — the promises and assurances repeatedly made by the English Kings and the British Government in the early period of their sway over Malta? The following reasons may be mentioned:

(i) the repetition of such promises in words and in writing bound them tighter to their fulfilment;

(ii) the rules of English policy abroad and in the colonies not to interfere with the exercise of spiritual functions and discipline in any religious body tolerated by law;

(iii) the precedent still living in memory of the expulsion of the French from the Island, because of their irreligious and sacrilegious deeds, which angered the Maltese people staunchly Catholic;

(iv) the sincere attachment of the Maltese to the British Crown, and the consequent duty of gratitude towards a people which through love, voluntarily yielded themselves in the arms of a mightier nation;

(v) lastly, the desire to preserve friendly relations between the British Government and the Holy See.

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section 26, which inflicted penalties on Roman Catholic Ecclesiastics exercising any of the rites of the Roman Catholic Religion, or wearing the habits of their Order, outside their usual places of worship or private houses, and section 28 which made provision for the gradual suppression of the Jesuits and other Religious Orders of the Church of Rome.

²¹ R.M.L. - *Despatches* 1830: Ponsonby to Murray: 6. ii 1830.

²² R.M.L. - *Despatches* 1837: Bouverie to Glenelg: 16. iii. 1837, pp. 183-191.

²³ R.M.L. - *Despatches* 1847-48: O'Ferrall to Grey: 13.i. 1848, pp. 195-207.

CASUS CANONICO—MORALIS

DE SPONSALIBUS

MARCELLUS, amore captus erga Columbam, blandis verbis eam saepius ad fornicationem seducere conatus est. Columba recusat nisi Marcellus promittat eam quantocius in uxorem ducere. Mox, gaudio exultantibus parentibus, celebrata sunt sponsalia, anulum sibi invicem tradentibus sponsis. Accidit quod post breve temporis spatium, Columba Marcelli praecibus caedit. Sed prohi dolor! Paucis transactis mensibus, Marcellus aliam puellam prosequitur cujus indoles libidinosa maiorem ei praebet satisfactionem. Igitur Marcellus, relicta Columba, nova iniit sponsalia cum hac puella. Hoc audito, Columba, lacrimabunda, parochum adiit ut Marcellum impediatur quominus ad matrimonium cum secunda puella transeat.

Una fere hebdomada antequam matrimonium celebret Marcellus confessarium accedit eique haec omnia in confessione pandit. Confessarius interrogat Marcellum utrum in promissione Columbae facta seriam firmanque voluntatem habuerit illam in uxorem ducere. Marcello affirmanti confessarius, verbis gravibus et quasi quasi sub absolutionis denegatione, sponsum obligat, et quidem sub peccato gravi et onere reparandi omnia damna praesertim illa quae ex fornicatione orta sunt — etsi filii nati non sint — Columbam in uxorem ducere et aliam relinquere.

QUAERITUR

- I. Quaenam condiciones ad validitatem sponsalium requirantur?
- II. Utrum valida sponsalia gravem obligationem pariant contrahendi matrimonium?
- III. An parochus impedire possit Marcellum quominus ad matrimonium transeat cum secunda puella?
- IV. An confessarius, de quo in casu, recte egerit?

SOLUTIO

Ad I. Ad valorem sponsalium tria requiruntur:

Ut matrimonium futurum validum sit atque licitum. Ratio est quia promissio de re impossibili vel illicita omnibus viribus caret. Aliqui censent quod si matrimonium foret validum sed illicitum, promissio erit illicita tantum. Sed immerito; nam 'in malis promissis fidem non expedit observare'. R.J. 68, in VI. Unde quaelibet promissio matrimonialis, etiam sponsalitia, de matrimonio illicito, etsi jurata et copula secuta, est

prorsus nulla.¹

Ex dictis sequitur quod qui aliquo impedimento matrimoniali indispensable laborat vel qui, si dispensabili, absoluto modo contrahit, h.e. sine ulla conditione de petenda dispensatione, invalide agit.

Illiceitas futuri matrimonii aliquando per accidens tantum ob stare potest, ita v.g. promissio de ineundis nuptiis facta ab initio, non postea, cum conditione non praemittendi confessionem aut non obtinendi absolutionem a censuris. Hoc in casu sponsalia irrita sunt, quia matrimonium futurum erit illicitum licet per accidens.² Idem dic quoad filiosfamilias qui, juste dissentientibus parentibus, sponsalia contrahunt. Hoc enim in casu matrimonium futurum saltem illicitum evaderet. Alia quaestio est quando revera parentes juste et rationabiliter dissentiant.³

Ut partes verum consensum habeant. Ratio est quia quilibet contractus sine consensu in objectum contractus viribus caret. Consensus vero matrimonialis se tenet ex parte intellectus et ex parte voluntatis. Ex parte intellectus necesse est sponso satis dignoscere quid sit matrimonium et quaenam vis et natura promissionis. Ex parte voluntatis, ut hanc promissionem libere emittant. Sequitur proinde quod error qui irritat matrimonium,⁴ irritat etiam promissionem. Alius error non irritat licet causam contractui dederit aut ex dolo alterius partis provenierit. Etiam metus qui matrimonium irritat,⁵ irritat quoque promissionem matrimonii. Si metus matrimonium non irritat et est levis et mere concomitans, neque rescindibilem reddit promissionem; si hic metus dat causam contractui, Gasparri putat eum, jure Codicis, irritare promissionem.⁶

Ex dictis sequitur etiam quod ebrii, semi-ebrii, amentes, dementes alii-ve qui ex mentis deficientia matrimonium valide contrahere nequeunt, nec matrimonium valide promittere possunt. Non ita tamen surdi vel muti vel surdi-muti quia hi debitam mentis discretionem habere possunt. Imo et promissio in aestu passionis, inter amplexus et oscula, valida erit si debita deliberatione et advertentia non caret.

Circa validitatem sponsalium initorum ante septennium, res non est

¹ Gasparri P., *De Matrimonio*, ed. nova, 1932, I, n. 56, citans D'Annibale, Reifensuel aliosque.

² Gasparri P., op.cit., n. 60.

³ Parentes censentur rationabiliter inviti quando sponsus vel sponsa malis sunt imbuti moribus, vel quando matrimonium in dedecus manifestum familiae redundat, vel quando ex matrimonio gravia scandala et dissensiones timendae sunt. Quoad disparitatem conditionis, nobilitatis vel divitiarum non satis constat. Cfr Jorio-Tummolo, *Compendium Theologiae Moralis*, Neapoli, 1935, II, n. 709 ad II.

⁴ Vide Can. 1083.

⁵ Vide Can. 1087.

⁶ Gasparri P., op.cit., n. 67.

omnino clara. Aliqui doctores exigunt aetatem pubertatis; alii septennium vel etiam infra si malitia supplet. In Codice Juris nil determinatum habetur quoad aetatem requisitam ad valorem sponsalium,⁷ sed expleto septennio usus rationis praesumitur.⁸

Ut consensus scriptura exprimatur. Conditio haec jam a Decreto *Ne Temere* inducta fuit ad valorem sponsalium; hodie vero a Codice Juris ad quamlibet promissionem matrimonii praescripta est.⁹ Scripturam hanc quivis exarare potest et quocumque modo exarata sufficit. De essentia hujus scripturae est ut subsignetur (i) a partibus, vel ab eorum procuratore¹⁰ et (ii) vel a parochō aut Ordinario loci vel a duobus saltem testibus. Sed si utraque vel alterutra pars scribere nesciat vel nequeat, ad validitatem id in ipsa scriptura adnotari debet, et tunc alius testis addendus est qui cum parochō vel Ordinario loci vel cum duobus testibus scripturam subsignet. Igitur si una pars tantum, dicamus sponsus, sit capax scribendi, hujus subsignatio non est necessaria licet suadenda, etsi praesens sit cum alio teste.

Ex dictis patet quod subsignantes scripturam esse possunt tres vel quattuor vel etiam duo tantum. Quoad suppletionem testium incapacium scribendi Codex nil dicit; ergo tales testes admittendi non sunt.

Scriptura hoc modo subsignanda vocari solet *forma sponsalium*. Praeter subsignationem de qua supra, ad valorem formae apponenda est vera data, i.e. dies, mensis et annus quo promissio fit.¹¹ Appositio loci, etsi suadenda, non videtur requirenda ad valorem. Neque requiritur ut parochus vel loci Ordinarius sit ille sponsorum proprius, dummodo in proprio territorio subsignet.¹² Sed invalida erit scriptura a sacerdote facta etsi a parochō vel Ordinario delegato.¹³ Neque valida erit scriptura si omnes scribentes, i.e. testes, parochus, Ordinarius loci et testes unico contextu non subsignant; aliis verbis *omnes* subsignantes praesentes esse debent dum scriptura signatur.¹⁴

Hic notare etiam juvat omnes baptizatos teneri ad dictam formam si eorum matrimonio praemittere cupiunt validam promissionem. Verum est

⁷ Jorio-Tummo, op. cit., n. 708, ad 9.

⁸ Can. 88, 3.

⁹ Can. 1017, §1. 2.

¹⁰ Sponsalia, sicut matrimonium, fieri possunt etiam per procuratorem, dummodo quae pro illo praescribuntur sedulo serventur. Praescriptiones sunt haec: (i) ut procurator mandatum speciale habeat; (ii) ut satis constet de ipso mandato v.g. per subscriptionem mandantis; (iii) ut ante subsignationem scripturae nec mandatum revocatum fuerit nec mandans in amentiam inciderit.

¹¹ SCC, 27 Julii, 1908, ad 2.

¹² SCC, 28 Martii, 1908, ad 3.

¹³ SCC, 28 Martii, 1908, ad 6.

¹⁴ SCC, 27 Julii, 1908, ad 1.

quod C.J.C. haereticos et schismaticos eximit a forma celebrationis matrimonii,¹⁵ ast a forma promissionis neminem excipit.¹⁶

AD II. A Boschi, in *Perfice Munus*!¹⁷ pulcherrimum articulum habet circa hanc rem. Imprimis cl. A. distinguit inter *forum externum* et *forum internum*. In foro externo, ex Can. 1017, §3, clarum est quod 'ex matrimonii promissione, licet valida sit nec ulla justa causa ab eadem implenda excuset, non datur actio ad petendam matrimonii celebrationem; datur tamen actio ad reparationem damnorum, si qua debeatur'. In foro interno, i.e. in conscientia, auctores non conveniunt quoad obligationem standi promissis. Re quidem vera cit. A. très enumerat sententias diversas.

Prima sententia tenet quod sponsalia valida inducunt gravem obligationem et quidem ex iustitia ad matrimonium celebrandum. Sententia haec potius attribuitur P. Cappello S.J. qui tenet sponsalia esse contractum onerosum circa rem gravem, et si sponsalia firmata sint juramento alia obligatio gravis oriretur ex religione. Ideoque qui sine sufficienti ratione matrimonium promissum non contrahit, duplex peccatum committit, contra iustitiam unum et aliud contra virtutem religionis.

Secunda sententia docet sponsalia valida parere obligationem disjunctivam pro sponsis, i.e. aut matrimonium promissum contrahere aut damna reparare quae ex deficientia causae sufficientis oriri possint. Sententia haec, modo speciali, attribuitur P.F. Wernz S.J. Ratio est quia secus conflictus oriretur inter forum internum et forum externum hoc sensu quod confessarius obligat poenitentem ad celebrandum matrimonium promissum, dum parochus, qui esse potest idem confessarius, eundem poenitentem, vi legis, deobligat stare promissis. Unde 'potius intentioni legislatoris... conformius, quod is *per obligationem conscientiae* noluit ad matrimonia plerumque infausta *constringere*, sed contractum sollemnem validum admisisse in ordine *aut* ad matrimonium promissum celebrandum *aut* ad damna sarcienda...'

Tertia sententia tenet obligationem levem et quidem ex fidelitate tantum ad matrimonium promissum contrahendum et obligationem ex iustitia ad damna reparanda si quae debeantur. Sententia haec, quae mediam viam tenet inter duas priores, est P. Cardinalis Gasparri. Ratio principalis istius est eadem ac Patris Vidal: etenim 'admissa gravi obligatione et ideo gravi peccato contra virtutem iustitiae ex parte sponsi injuste resiliens, quomodo sponsus ad aliud matrimonium contra fidem sponsalitiam posset admitti? Et quomodo parochus posset huiusmodi matrimonio

¹⁵ Vide Can. 1099, §2.

¹⁶ Gasparri P., op.cit., n. 75.

¹⁷ *Perfice Munus!* XXV (1950), 209.

publice et aperte graviter peccaminoso, licite assistere?' Coeterum 'coactio fori interni . . . matrimonium infaustum redderet'.

Concludendum est ergo cum cl. Boschi quod tres praedictae sententiae sunt probabiles, sed ultima est probabilior. Omnibus enim nota est auctoritas Cardinalis Gasparri sive uti canonista sive uti principalis compilator et interpret Codicis Juris. Sententia ergo a tanto auctore tradita tuta conscientia in praxi sequi potest.¹⁸

Ad III. Responsum jam clarum apparet ex dictis ad II. Sumus enim foro externo. Sed in hoc foro, uti habet Can. 1018, § 3 jam citatus, patet quod 'non datur actio ad petendam matrimonii celebrationem' cum illa persona cui facta sit promissio licet valida sit et nulla justa causa excuset, quam deobligationem omnes canonistae et moralistae admittunt.

Ante Codicem res diversimode erat. Etenim illo tempore sponsalia valida et absoluta nedum impedimentum dirimens publicae honestatis producebant sed et impedimentum impediens matrimonium contrahendi cum alia persona. Et praecise haec erat ratio cur auctores ante Codicem unanimiter tenebant sponsalia parere gravem obligationem ex iustitia matrimonium promissum contrahendi. Hodie haec duo impedimenta cessant quia diminuta est efficacia sponsalium. Igitur nunc non solum parochus sed nequidem episcopus potest ad fidem datam servandam compellere illum qui valida sponsalia implere recusat etsi sine ulla causa hoc faciat. A fortiori ergo parochus Marcellum impedire non potest quominus transeat ad matrimonium cum alia puella, cum sponsalia ab eo cum Columba inita invalida sint; deficit enim forma praescripta. Imo neque episcopus suspendere potest matrimonium Marcelli saltem usquedum actum fuerit de justa causa et de damnorum reparatione si quae debeantur.¹⁹

Reparatio damnorum tangit non solum illum qui a fide data injuste recedit, sed et illum qui perfectiorem vitae statum eligit, clericalem vel religiosam, nisi alia pars justam causam resiliendi dederit. Sed quid dicendum si damnum a puella passum reparari non potest nisi per matrimonium? Quidquid sit de proportionata reparatione damnorum unum certum est quod sponsus ad matrimonii celebrationem cogi nequit.²⁰

Juvat hic etiam notare actionem de reparatione damnorum esse mixti fori, et ideo tum coram iudice ecclesiastico tum coram iudice civili prosecui posse.²¹ Datur proinde locus praeventioni.²² Et Codex noster Melitensis actionem praedictam agnoscit modo sponsalia facta sint ad normam

¹⁸ Cfr etiam Ferreres-Mondria S.J., *Compendium Theologiae Moralis*, 1953, II n. 873.

¹⁹ *Commissio Pontificia ad Can. Cod. auth. interpret.*, 2-3 Junii, 1918, ad I.

²⁰ Gasparri P., *op.cit.*, n. 105.

²¹ *Commis. Pontif.*, 2-3 Junii, 1918, ad II.

²² Can. 1553, § 2.

*Ordinanza XIV anno 1913 habitae.*²³

AD IV. Non obstante mutua traditione anulorum et seria voluntate Marcelli sponsi in uxorem ducendi Columbam, ex dictis patet sponsalia, de quibus in casu, nullam obligationem inducere in foro externo sed nequidem in foro interno. Non in foro externo quia non datur actio ad petendam celebrationem matrimonii; neque in conscientia quia dicta sponsalia erant *informia*, h.e. deficiente *scriptura*. Atqui promissio informis nullos effectus habet juridicos cum in Can. 1017 §1 clare et expresse dicatur 'Matrimonii promissio, sive unilateralis, sive bilateralis seu sponsalia, irrita est pro utroque foro, nisi facta fuerit per scripturam...'. Scripturam hanc Marcellus et Columba neglexerunt etsi apud nos nunquam in usu fuerit nec sit. At haec lex, scripturam praecipiens, non respicit nec usum nationis, nec ignorantiam neque aliam causam, puta dolum; aliis verbis non admittit excusationes cum irritans sit et propter bonum commune condita.²⁴ Neque dicatur quod vir honestus promissis stare debet. Ita est modo generali loquendo, sed quoad sponsalia nullum valorem habet dictum hoc. Igitur in casu nostro nulla obligatio, nequidem levis ex fidelitate, hebetur in Marcello ducendi Columbam. Dum e contra haberetur haec levis obligatio, saltem juxta probabilior sententiam, uti vidimus, si sponsalia confirmata fuissent scriptura. Inutiliter ergo interrogavit confessarius noster Marcellum utrum in promissione Columbae facta seriam firmamque voluntatem habuerit illam in uxorem ducere statim ac invaliditatem sponsalium cognoverit.

Peiori modo se gessit confessarius erga sponsum quando, verbis gravioribus, illum obligavit primam sponsam in uxorem ducere et secundam relinquere quia secus reus esset peccati gravis. Juvabit huc gravius referre verba quibus P. Taverna, Theologiae Moralis Professor, saepe uditores dicitur monuisse: 'Non affermiamo che c'è peccato mortale, se non è più che evidente. Non è lecito prendere le cose alla leggiera su questo punto. Pensiamo che non si tratta di una cosa da nulla, ma si tratta dell'inferno'.²⁵ Ad rem praeterea spectant Card. Gasparri verba: '... confessarius, parochus, ordinarius possunt et etiam debent sponsum injuste resilientem adhortari ut stet promissis, sed si sponsus, non obstantibus consiliis caritativis et adhortationibus, in sua voluntate permaneat contraria matrimonio, confessarius non potest ob peccatum leve absolutionem denegare, nec parochus aut Ordinarius matrimonii celebrationem

²³ *Ordinanza XIV*, anni 1913 emendationem continet articuli 941 *Ordinanza VII*, 1868.

²⁴ Vide Can. 16.

²⁵ Vide Boschi A., *art. cit.*, 219.

cum alia persona suspendere²⁶.

Tenetur autem Marcellus damna primae suae sponsae reparare hocque et iustitia. Sed quaenam damna? Utrum et illa orta ex fornicatione? Sed ex fornicatione damna oriri possunt sive ratione prolis natae sive ratione virginitatis perditae... Sed in casu nostro primum damnum non habetur quia ex illa fornicatione filii nati non sunt; non secundum quia Columba cognovit, vel saltem cognoscere debuerat, sponsalia non producere jus ad coitum ante celebrationem matrimonii. Utique Columba cedit importunis praecibus Marcelli; tamen ipsa libere consentit fornicationi ne amitteret amorem sponsi. Si ex fornicatione Columba filium peperisset, tunc utique Marcellus graviter teneretur in solido cum Columba pro alimantatione et educatione hujus filii, nunquam vero, etsi valde optandum, ad matrimonium cum sponsa concludere.

A. TABONE

²⁶ Gasparri P., op. cit., n. 101.

BOOK REVIEWS

L'Évangile de Jean. Études et problèmes. Desclée de Brouwer, 1958, pp. 258.

THE revival of Johannine studies is one of the marks of present-day NT studies, and the choice of the IV Gospel as the subject of the 'huitièmes journées bibliques' of Louvain is indicative both of this revival and of the interest of Catholic scholars in this Gospel.

This work consists of 13 papers read during the Bible days held in September 1957. The first paper (pp. 11-40) by Ph. H. Menoud of Neuchâtel University is a brief survey of all the problems, literary and theological, raised by the IV Gospel and the solutions proposed during the last ten years, or rather from the publication of R. Bultmann's commentary on St. John's Gospel (10th edition 1941; 13th edition 1953) and his *Theology of the New Testament* (1953) to Barrett's commentary on the Gospel according to St. John published in the year 1955. In spite of all the efforts by scholars of all tendencies, the problem of the IV Gospel, concludes Menoud, is still unsolved, though certain conclusions, such as the origin of the IV Gospel about the close of the 1st century, must be considered as definitely established. The second paper by M.E. Boismard (pp. 41-57) investigates the Aramaic origin of the IV Gospel from the point of view of textual criticism. Following M. Black (*An Aramaic Approach to the Gospels and Acts*, Oxford, 1946; 2nd ed. 1954) Boismard examines a number of variant readings and mistranslations which he traces back to an Aramaic original. The third paper *Un nouveau codex de papyrus du IVe Évangile* (pp. 59f) is a short note by the editor of the MS *Papyrus Bodmer II. Évangile de Jean*, chap. 1-14; Cologny-Genève 1956. The MS belongs probably to the beginning of the 3rd century and contains the first 14 chapters of the IV Gospel with a gap at 6, 11-35. The MS omits 5, 4 (the descent of the angel in the pool of Bethesda) and 7, 53-8, 11 (the episode of the adulteress). It belongs to the family of the Sinaiticus and Vaticanus though a century older than them. H. van den Bussche of Gand (pp. 61-108) discusses the structure of chs. 1-12. After having discarded the displacements-theory, he analyses the section on internal grounds of a progressive development thus: the prologue (1, 1-18); introduction (1, 19-51); the 'signs' section (2-4); the 'works' section (5-6); discussions with the Jews (7-8); the journey to Jerusalem (9-12); conclusion (12, 44-50). J. Giblest of Malines deals with the problem of Johannine Christology: Jesus and the 'Father' in the IV Gospel (pp. 111-130). The writer examines the various relations of Christ to the Father as one of the aspects of the Trinitarian theo-

logy of St John. With the Holy Ghost he promises to deal expressly in another work. *The glorification of Christ in the IV Gospel* (pp. 131-45) forms the subject of a paper by W. Gossouw of Nymegen. The writer brings out the different meanings of the word δόξα 'glory', as a characteristic word of the IV Gospel, or rather the different ways in which Christ has been glorified. L. Cerfaux of Louvain deals with the Gospel of St John and the 'Johannine logion' of the Synoptists (pp. 147-59).

In spite of the striking similarity between Mt II, 25-30 (Lk 10, 21f) and the doctrine of the IV Gospel and the apparent dependence of the synoptic tradition on the Johannine tradition, there is no dependence, and the synoptic logion must be considered as a genuine element of the synoptic tradition and as a part of a vast material of apocalyptic teaching which recurs in the apocryphal writings and in the texts of Qumran. I. de la Potterie discusses the question of the impeccability of the Christian according to I Jn 3, 6-9 (pp. 161-77). These verses must be read in their proper context which, according to many interpreters, is the eschatological context. In the messianic age the Christian does not sin because, so long as he remains united with Christ, he has the power to resist sin victoriously and consequently to live free of sin. But the Christian becomes subject to sin and actually falls into sin as soon as he breaks his union with God. The background of the IV Gospel is set before us by F.M. Braun of Freiburg i.S. (pp. 179-96). John depends primarily on biblical Judaism. Other sources are: the apocryphal writings, the Qumran literature or the spirit that produced that literature, hellenism, particularly hermetism. Dependence is not always direct. The problem of the relation of the IV Gospel to the Gnosis is dealt with by G. Quispel of Utrecht (pp. 197-208). There existed in the 1st century A.D. a Jewish, pre-gnostic, esoteric current which reappears in the Gospel of Truth, an apocryphal Valentinian Gospel with marked pre-gnostic tendencies and the Gospel of St. John. J. Coppens of Louvain writes about the gift of the Spirit in the texts of Qumran and in the IV Gospel (pp. 209-23). The mention of the Spirit or the Holy Spirit occurs very often in the Qumran texts. But neither of them can be identified with the Holy Ghost. Neither of them is represented as a person. Although there are some analogies between the Qumran texts and the IV Gospel, the divergences are more numerous and more profound. The last paper *John 17, 5 and the predestination of Christ to glory in St Augustine and his predecessors* (pp. 225-48) is by A. Laurentin of Paris. There is an apparent contradiction in Christ's words. Christ demands a glory which he already possessed before the creation of the world. Before St Augustine there is no trace of the doctrine of predestination. In 392 St Augustine explains the glory of Christ as his divinity, and the glorifica-

tion which he demands is the acknowledgement of his divinity by man. The same interpretation is proposed in the years from 394 to 400. In 'De Trinitate' the glory of Christ is considered as the beatific vision or his divinity. The first traces of the doctrine of predestination occur in the sermons on the Gospel of St John. The glory demanded by Christ is the manifestation of God's plan of the salvation of man. This doctrine is further developed in later writings. Christ's glory does not transform his divine nature; it is his human nature which is transformed by his resurrection and ascension, and it is this glory in his human nature which Christ demands. But how did Christ possess this glory before the creation of the world? Because he was predestined to this glory. F.M. Braun winds up the discussions (pp. 249-58) by bringing out the main points of the questions dealt with, emphasizing the more important aspects of the problems, pointing out new lines of approach and recommending prudence and moderation in the critical approach to Johannine studies.

All the papers are marked by a high degree of scholarship, and it is difficult to single out any one for special consideration. Only, I should like to make one or two remarks. Boismard's theory of the Aramaic origin of the IV Gospel, in spite of its attractiveness, raises new problems which it does not attempt to solve. How are we to account for the duplicate renderings of the same passages? Are we to suppose that there existed more than one Greek translation of the same Aramaic Gospel? How is it that the early Christian writers are absolutely silent about this Aramaic original of the IV Gospel? These are important problems which the theory of an Aramaic origin leaves unsolved. In Grossouw's paper the development of the meaning of $\delta\delta\epsilon\chi\alpha$ is not sufficiently brought out. There is in fact a development of meaning, which is parallel to the development of Christ's self-revelation. Consequently in the last chapters of the Gospel $\delta\delta\epsilon\chi\alpha$ is not merely Christ's death and resurrection, but Christ's death considered as the complete achievement of his mission or the end of the mission entrusted to him by God.

Although there may be some points of detail on which one may disagree, the papers reveal a high degree of scholarship and offer a comprehensive view of modern Johannine studies and invite research in more than one direction.

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