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is in essence, one action, whose unique purpose is to join a created human nature to the Second Person of the Trinity, so as to *form Christ*, the God-man. The human nature of Christ, complete in all essentials, is nonetheless the effect of an entirely different creative act on the part of God. While not prior in time to the unitive action of the Incarnation, still in the natural order, the humanity is conceived as existing prior to its union with the Word. Only in one respect does the human nature of Christ depart from the common run of other mortals. His human nature was deprived of that created addition which we call the substantial mode of personality. In place of this it received a supernatural modification—the substantial mode of union, whereby the human nature of Christ was united to the Word of God, and found the termination of its existence in the Divine Person of the Word.

Whether we agree or not with his conclusions, to dismiss the opinion of Francis Suarez lightly as hardly worth an investigation, would be a serious error indeed. Clearly, in the course of this truncated exposition, it has been impossible to convey more than a hint of the overwhelming mass of erudition, the scholarly accuracy, the rapier-like logic, which was ever at the command of this brilliant theologian.

At the conclusion of the two mighty tones, *De Incarnatione*, Suarez, in a rare personal touch, penned the motive which he kept before his eyes:—

Before all I can affirm, as I shall always affirm, that my one ambition, which I have endeavored to realize without flinching in the face of any labor or effort, has always been to know and to make known the truth and nothing but the truth. A partisan spirit has never inspired, and never will inspire, any of my opinions. I have never sought anything more than the truth, and I desire that those who read my books should seek it in their turn.⁸

No mean ideal this, and one which every aspirant to scholarship in the sacred sciences may ponder and strive to emulate.

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Samuel R. Wiley, S.J.

⁸*Ibid.*, 2nd ed., preface.

Mission Intention

The Mission Intention for the month of April, 1949, is for "The Missions in Burma and Ceylon."

EPISCOPAL JURISDICTION AND THE ROMAN SEE

One of the most important contributions to sacred theology in recent years is to be found in the Holy Father's teaching about the immediate source of episcopal jurisdiction within the Catholic Church. In his great encyclical letter *Mystici corporis*, issued June 29, 1943, Pope Pius XII spoke of the ordinary power of jurisdiction of the other Catholic bishops as something "bestowed upon them immediately" by the Sovereign Pontiff.¹ More than a year before the publication of the *Mystici corporis* the Holy Father brought out the same truth in his pastoral allocution to the parish priests and the Lenten preachers of Rome. In this address he taught that the Vicar of Christ on earth is the one from whom all the other pastors in the Catholic Church "receive immediately their jurisdiction and their mission."²

In the latest edition of his classic work, *Institutiones iuris publici ecclesiastici*, Msgr. Alfredo Ottaviani declares that this teaching, which was previously considered as *probabilior* or even as *communis*, must now be held as entirely certain by reason of what Pope Pius XII has said.³ The thesis which must be accepted and taught as certain is an extremely valuable element in the Christian teaching about the nature of the true Church. Denial or even neglect of this thesis will inevitably prevent anything like an accurate and adequate theological understanding of Our Lord's function as the Head of the Church and of the visible unity of the kingdom of God on earth. Thus, in giving this doctrine the status of a definitely certain statement, the Holy Father has greatly benefited the work of sacred theology.

The thesis that bishops derive their power of jurisdiction immediately from the Sovereign Pontiff is by no means a new teaching. In his Brief *Super soliditate*, issued, Nov. 28, 1786, and directed against the teachings of the canonist Joseph Valentine Eybel, Pope Pius VI bitterly censured Eybel for that writer's insolent attacks on the men who taught that the Roman Pontiff is

¹ Cf. the *NCWC* edition, n. 42.

² Cf. *Osservatore Romano*, Feb. 18, 1942.

³ Cf. *Institutiones iuris publici ecclesiastici*, 3rd edition (Typis Polyglottis Vaticanis, 1948), I, 413.

the one “from whom the bishops themselves derive their authority.”¹ Pope Leo XIII, in his encyclical *Satis cognitum*, dated June 29, 1896, brought out a fundamental point in this teaching when he restated, with reference to those powers which the other rulers of the Church hold in common with St. Peter, the teaching of Pope St. Leo I that whatever God had given to these others He had given through the Prince of the Apostles.[®]

That teaching had been enunciated explicitly in a communication of the Roman Church by Pope St. Innocent I, in his letter to the African bishops, issued Jan. 27, 417. This great Pontiff stated that “the episcopate itself and all the power of this name” come from St. Peter.[®] The doctrine propounded by Pope St. Innocent I was quite familiar to the African hierarchy. It had been developed and taught by the predecessors of the men to whom he wrote, in the first systematic and extensive explanation of the episcopacy within the Catholic Church. Towards the middle of the third century St. Cyprian, the Martyr-Bishop of Carthage, had elaborated his teaching on the function of St. Peter and of his *cathedra* as the basis of the Church’s unity.⁷ St. Optatus, the Bishop of Milevis and an outstanding defender of the Church against the attacks of the Donatists had written, around the year 370, that Peter’s *cathedra* was the one See in which “unity is to be maintained by all,”⁸ and that, after his fall, Peter had “alone received the keys of the kingdom of heaven, which were to be handed over also (*communicandas*) to the others.”⁹

During the last years of the fourth century Pope St. Siricius had asserted the Petrine origin of the episcopate in his letter, *Cum « unum*, when he designated the Prince of the Apostles as the one “From whom both the apostolate and the episcopate in Christ de-

«Cf. *DB*, 1500.

⁵Cf. *Codicis iuris canonici fontes*, edited by Cardinal Pietro Gaspam (Typis Polyglottis Vaticanis, 1933), III, 489 f. The statement of Pope St. Leo I is to be found in his fourth sermon, that on the second anniversary of his elevation to the papal office.

[®]DR, 100.

⁷ Cf. Adhemar D’Alès, *La théologie de Saint Cyrien* (Paris: Beauchesne, 1922), pp. 130 ff.

⁸ Cf. *Libri sex contra Parmenianum Donatistam*, II, 2.

« *CL ibid.*, VII, 3.

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rived their origin.”¹⁰ He introduced this concept into his writing as something with which those to whom his epistle was addressed were perfectly familiar. It was and it remained the traditional and common teaching of the Catholic Church.

The thesis that bishops derive their power of jurisdiction immediately from the Roman Pontiff rather than immediately from Our Lord Himself has had a long and tremendously interesting history in the field of scholastic theology. St. Thomas Aquinas propounded it in his writings, without, however, dealing with it at any great length.¹¹ Two other outstanding mediaeval scholastics, Richard of Middleton¹² and Durandus,¹³ followed his example. The outstanding pre-Tridentine theological treatise on the Church of Christ, the *Summa de ecclesia* of the Cardinal John de Turrecremata, went into the matter in minute detail.^{14*} Turrecremata elaborated most of the arguments which later theologians employed to demonstrate the thesis. Thomas de Vio, Cardinal Cajetan, contributed much to the development of the teaching in the period immediately preceding the Council of Trent.¹⁸

¹⁰ Cf. Ep. V.

¹¹ St Thomas taught in his *Summa contra gentiles*, Lib. IV, cap. 76, that to conserve the unity of the Church, the power of the keys must be passed on, through Peter, to the other pastors of the Church. Subsequent writers also appealed to his teaching in the *Summa theologica*, in IIa-IIae, q. 39, art 3, in his Commentary on the Sentences of Peter the Lombard, Iy, dist 20, art 4, and in his Commentary on the Gospel according to St Matthew, in cap. 16, n. 2, in support of the thesis that bishops derive their power of jurisdiction immediately from the Sovereign Pontiff.

¹² Cf. Richard's *Commentary on the Sentences*, Lib. IV, dist 24.

¹³ Cf. D. Durandi a Sancto Porciano *Ord. Praed. et Meldensis Episcopi in Petri Lombardi sententias theologicas libri IIII* (Venice, 1586), Lib. IV, dist 20, q. 5, n. 5, p. 354».

¹⁴ Cf. *Summa de ecclesia* (Venice; 1561), Lib. II, chapters 54-64, pp. 169»-188t. Turrecremata's thesis is identical with that set forth by Pope Pius XII, although his terminology is different. The Holy Father speaks of the bishops receiving their power of jurisdiction *immediately* from the Holy See, *i e.*, from Our Lord through the Sovereign Pontiff. Turrecremata, on the other hand, speaks of the bishops as receiving their power of jurisdiction *mediately or immediately* from the Holy Father, *i.e.*, from him directly or from another empowered to act in his name.

¹⁸ Cf. Cajetan's *De comparatione auctoritatis Papae et concilii*, cap. 3, in Fr. Vincent Pollet's edition of his *Scripta theologica* (Rome: The Angelicum, 1935), I, 26 L.

During the Council of Trent, the thesis was debated by the Fathers themselves.^{18*} By far the strongest presentation of the doctrine lately set forth by Pope Pius XII was made in the Council of Trent by the great Jesuit theologian, James Laynez.¹⁷ In many ways Laynez' *quaestiones, De origine jurisdictionis episcoporum* and *De modo quo jurisdictio a summo pontifice in episcopos derivatur*, remain in the best sources of theological information on the relations of the other bishops in the Catholic Church to the Roman Pontiff to this day.

During the century following the Council of Trent, three of the classical scholastic theologians wrote magnificent explanations and proofs of the thesis that episcopal authority in the Church of God is derived immediately from the Vicar of Christ on earth. St Robert Bellarmine treated the question with his accustomed clarity and sureness,¹⁸ using an approach somewhat different from that employed by Turrecremata and Laynez and closer to that of Cajetan. Francis Suarez dealt with the thesis *in extenso* in his *Tractatus de legibus*, and set forth certain explanations which completed the teaching of Laynez himself.¹⁸ Francis Sylvius, in his *Controversies*, summarized the findings of his great predecessors in this field and gave what remains to this day probably the most effective brief presentation of the teaching in all scholastic literature.²⁰ During the same period a very brief but theologically sound treatment of the same subject was given by the Portuguese Franciscan Francis Macedo in his *De clavibus Petri*.²¹ Two of the leading sixteenth-century thomistic theologians, Dominic Soto²²

18 Cf. Sforza Pallavicini *Histoire du concile de Trente* (Montrouge: Migne, 1844), Lib. XVIII, chapters 14 ff; Lib. XXI, chapters 11 and 13, II, 1347ff; III, 363 ff; Hefele-Ledercq, *Histoire des conciles* (Paris: Letouzey et Ané, 1907 ff.), IX, 747 ff.; 776 ff.

17 In Hartmann Grisar's edition of Laynez' *Disputationes Tridentinae* (Innsbruck, 1886), I, 97-318.

18 Cf. *De Romano Pontifice*, Lib. IV, chapters 24 and 25.

18 Cf. Lib. IV, cap. 4, in Migne's *Theologiae cursus completus (MTCC)* XII, 596 ff. Suarez touches upon this matter in his treatise *De Summo Pontifice* in his *Opus de triplici virtute theologica, De fide*, tract. X, section L

28 Cf. Lib. IV, q. 2, art. 5, in the *Opera omnia* (Antwerp, 1698), V, 302 ff.

21 Cf. *De clavibus Petri* (Rome, 1560), Lib. I, cap. 3, pp. 36 ff.

22 Cf. *In quartam sententiarum* (Venice, 1569), dist 20, q. 1, art. 2, conclusio 4, I, 991.

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and Dominic Bannez,²³ likewise included this teaching in their *Commentaries*.

Pope Benedict XIV included an excellent treatment of this thesis in his great work *De synodo diocesana*.²⁴ Among the more recent authorities who have dealt with the question in a noteworthy manner are the two Jesuit theologians, Dominic Palmieri²⁵ and Cardinal Louis Billot.²⁶ Cardinal Joseph Hergenroether treated the topic effectively and accurately in his great work *Catholic Church and Christian State*²⁷

The most important opposition to the thesis, as might be expected, came from the Gallican theologians. Bossuet²⁸ and Regnier²⁹ defended the Gallican cause on this question. Others, however, not infected with the Gallican virus, have opposed this teaching in times past. Noteworthy among these opponents were Francis de Victoria and Gabriel Vasquez. Victoria, outstanding theologian though he was, seems to have misconstrued the question at issue, and to have imagined that in some way the traditional teaching involved the implication that all bishops had been placed in their sees by appointment from Rome.³⁰ Vasquez, on the other hand, was attracted by a now outworn theory that episcopal jurisdiction was absolutely inseparable from the episcopal character, and that the Holy Father's authority over his fellow bishops in the Church of Christ is to be explained by his power of removing or altering the material or subjects over which this jurisdiction is to be exercised.³¹

The teaching of Pope Pius XII on the origin of episcopal jurisdiction definitely is not a claim that St Peter and his successors

²³Cf. *Scholastica commentaria in secundam secundae Angelici Doctores D. Thomae* (Venice[^] 1587), in q. 1, art. 10, dub. 5, concl. 5, columns 497 ff.

²⁴Cf. In Lib. I, cap. 4, n. 2 ff., in *MTCC*, XXV, 816 ff.

²⁵Cf. *Tractatus de Romano Pontifice* (Rome, 1878), 373 ff.

²⁶Cf. *Tractatus de ecclesia Christi*, 5th edition (Rome: The Gregorian University, 1927) I, 563 ff.

²⁷Cf. *Catholic Church and Christian State* (London, 1876), I, 168 ff.

²⁸ *CL Defensio declarationis cleri Gallicani*, Lib. VIII, chapters 11-15, in the *Oeuvres complètes* (Paris, 1828), XLII, 182-202.

²⁸ Cf. *Tractatus de ecclesia Christi*, pars II, sect 1, in *MTCC*, IV, 1043 ff.

³⁰ Cf. *Relectiones undecim*, in Rei. II, *De Potestate ecclesiae* (Salamanca, 1565), pp. 63v ff.

ⁿ *CL In primam secundae Sancti Thomae* (Lyons, 1631), II, 31.

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in the Roman See have always appointed directly every other bishop within the Church of Jesus Christ. It does mean, however, that every other bishop who is the ordinary of a diocese holds his position by the consent and at least the tacit approval of the Holy See. Furthermore, it means that the Bishop of Rome can, according to the divine constitution of the Church itself, remove particular cases from the jurisdiction of the bishops and transfer them to his own jurisdiction. Finally it signifies that any bishop not in union with the Holy Father has no authority over the faithful.

This teaching in no way involves a denial of the fact that the Catholic Church is essentially hierarchical as well as monarchical in its construction. It does not conflict with the truth that the residential bishops have ordinary jurisdiction, rather than merely delegated jurisdiction, in their own Churches. Actually it is a certainly true explanation of the origin of that ordinary jurisdiction in the consecrated men who rule the individual communities of the faithful as successors of the apostles and as subjects of the head of the apostolic college. It means that the power of jurisdiction of these men comes to them from Our Lord, but through His Vicar on earth, in whom alone the Church finds its visible center of unity in this world.

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The Holy Father Condemns a Dangerous Error

For this reason we deplore and condemn the pernicious error of those who dream of an imaginary Church, a kind of society that finds its origin and growth in charity, to which, somewhat contemptuously, they oppose another, which they call juridical. But this distinction which they introduce is false: for they fail to understand that the reason which led our Divine Redeemer to give to the community of men He founded the constitution of a Society, perfect in its kind and containing all the juridical and social elements—namely, that He might perpetuate on earth the saving work of Redemption—was also the reason why He willed it to be enriched with the heavenly gifts of the Paraclete.

—From the Holy Father's encyclical *Afystici Corporis* issued June 29, 1943.

Answers to Questions

WORK ON SUNDAY

Question: A young married man is planning to build a house for himself, with the help of a few friends. If they work two days a week, they will be able to complete the house before the advent of winter; but the only two days regularly available to the group are Saturday and Sunday. In these circumstances, is there a sufficient reason for them to work on Sundays for a period of about six months?

Answer: In the first place, the Catholics in the group must attend Mass every Sunday, for the case indicates no reason why they should be excused from this obligation. As far as the prohibition of servile work on Sunday is concerned, it would seem that they have an excusing cause, in view of the circumstances that prevail in our country today. Certainly, there is a deplorable scarcity of proper living accommodations for young couples. And this situation is undoubtedly an occasion of many grave sins, such as domestic dissension and birth control. Accordingly, a young married man in need of a home, who is engaged on a regular job during the week and finds it possible to build a house within a reasonable time only by working on Sunday would undoubtedly be allowed to do a full day's work every Sunday during this period. The same reason would justify the collaboration of a group of kindly friends. However, although there is a cogent excusing cause, it would seem better for the young man to seek a dispensation *ad cautelam* from the local pastor, who, by virtue of Canon 1245, is empowered to grant individuals and families a dispensation from the observance of feasts. Thus the matter could be more easily explained to persons who might otherwise take scandal, because they would not grasp the force of the excusing cause in the case described.

THE FORM OF MATRIMONY

Question: What is to be said of the use of the following form for the sacrament of Matrimony in cases of urgent necessity? The priest asks the man: "John Smith, will you take Mary Jones here