

Concordia Theological Monthly



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ARCHIVES

THEOLOGICAL OBSERVER

QUEEN ELIZABETH II, THE DEFENDER OF THE FAITH

The Living Church, in the issue of May 17, 1953, reports that the Church of Scotland will officially participate in the coronation of Queen Elizabeth II. This news is of more than passing interest. In the first place, this will be the first time in history that the Scottish Church took part in the traditional Westminster Abbey ceremony. In the coronation of Queen Elizabeth II the Moderator of the Church of Scotland will hand the Bible to the Queen. Immediately after she has taken the Oath upon it, she will join him in making the oral presentation of the Book, which presumably includes also the Apocryphal writings. In previous coronations the Bible was handed by the Dean of Westminster to the Archbishop of Canterbury, who in turn presented it to the monarch. In explaining this change the present Archbishop of Canterbury, Dr. Geoffrey Francis Fisher, stated:

The Oath refers to the two Churches in the United Kingdom — the Church of England and the Church of Scotland — whose position in regard to the State is established by law. These are the only two Churches whose position is thus specially recognized and to whose protection the sovereign is committed by declaration and oath.

The participation on the part of the Scottish Church in the coronation is of interest because the Scottish and the Anglican Church are different in doctrine, worship, discipline, and government. The Anglican Church is of course an Episcopal Church with a very latitudinarian doctrinal system, while the Scottish Church has a Presbyterian form of government and is commonly considered to be historically oriented in Calvinistic theology.

The Archbishop of Canterbury announced that the place of the presentation of the Bible in the coronation service would also be altered. In former coronations it followed the actual crowning, but in the coronation of Queen Elizabeth it will precede the crowning. The order of the service according to RNS will be as follows:

In the Recognition the people accept the Queen as their sovereign and acclaim her as such. The willing consent of the people is necessary.

In the Oath, the Queen binds herself to govern according to established principles of constitutional government in Church and

State, to uphold law and justice in mercy, and to maintain the laws of God and the true profession of the Gospel. This Oath of the sovereign and the declaration made in Parliament are necessary before she can be crowned.

Then the Presentation of the Bible is made to declare that the sanctity of both compacts—the people's and the Queen's—and the well-being of both rests upon the revealed truth of God contained in Holy Scripture.

Thus the (three) foundations are truly laid, and the solemn rite (of crowning) can proceed. First the witness to the Word and then the beginning of the Sacrament of Holy Communion.

F. E. M.

THE EXECUTIVE COMMITTEE OF THE W. C. C. REPORTS

The lengthy report of the Executive Committee of the World Council of Churches in *Ecumenical Review*, April, 1953, p. 270ff., contains many interesting items. The Executive Committee is carefully studying all the materials which have been submitted for the doctrinal discussion on eschatology at the second World Council meeting to be held in Evanston.—The committee further reports on the advances made in establishing closer relationship with the Orthodox churches. It reports that in January, 1952, the ecumenical patriarch of Constantinople had sent an encyclical letter to the patriarch and the heads of the autocephalous Orthodox churches in which he invited them to participate strongly in the work of the World Council, since he considered the co-operation of all the Christian communions as a sacred obligation and a holy duty. It appears that at the Evanston meeting the Orthodox churches will have a strong representation in the World Council meeting.—Through a grant of Mr. John D. Rockefeller, Jr., the Graduate School of Ecumenical Studies at Celigny, near Geneva, was opened and is functioning in close co-operation with the theological faculty of the University of Geneva.—During the past summer the Lund Conference, really the third World Conference on Faith and Order, devoted itself to the study of the nature of the Church, ways of worship, and intercommunion. Many attendants felt that progress for ecumenical understanding had been made, but others doubted whether a real objective contribution in the cause of Christian unity has been achieved in the Lund meeting, inasmuch as it became quite evident that at certain crucial points in the conversation concerning faith and order, it was impossible to take definite steps forward. The Executive Committee hopes that the present deadlock can be broken and that the Lund meeting will ultimately prove to

have been a tremendous step forward in achieving ecumenical thinking, especially when the churches view unity in the eschatological perspective. — The international situation seems to give the committee some of the most anxious moments. This can be readily understood in the light of the many articles in the current issue of *Ecumenical Review* dealing with social and economic problems. The leaders of the World Council seem to believe that the churches must speak to the nations of the world in the solution of their social, economic, and political problems.

F. E. M.

ROMAN CANON LAW AND "EXCLUSIO PROLIS"

In his opinion prepared for the Archbishopric at Cologne in a nullification process, Dr. Heinrich Flatten gives a good sample how a canonist interprets Roman canon law regarding the validity of marriage. This "legal" opinion is printed in *Die Theologische Quartalschrift*, first quarter, 1950 published by the Roman Catholic faculty of the Tuebingen University. Dr. Flatten first sets forth briefly the pertinent parts of Canon 1081: Matrimony is established when two properly constituted persons proclaim in a lawful way their nuptial will or consent to marry; such a consent is an act of the will whereby the two parties contract to exchange the exclusive and continuous right of their bodies to perform such acts as are necessary to procreate a progeny. If, so Canon 1086 prescribes, at the time of contracting marriage, this action of the will is lacking, no valid matrimony has taken place. Canon 1086 states: "If both contracting parties or even if only one of them has the positive will at the moment of consummating marriage not to enter matrimony or to exclude the full right of the natural connubial intercourse or to exclude one of its essential elements, such a marriage is invalid. The right to the natural connubial relation is so much an essential part of matrimony that he or she who withholds this right makes the establishment of matrimony impossible."

The deposition distinguishes between the will not to be obligated to fulfill the matrimonial duties and the will of not fulfilling them. The former takes place when one of the contracting parties expressly excludes the obligation of the matrimonial duty (*animus non se obligandi*); and the latter occurs when one of the contracting parties is willing to assume the obligation, but at the same time entertains the intention, contrary to his obligation, to misuse matrimony and to practice birth control (*animus non adimplendi*). The former attitude automatically makes matrimony invalid. According to canon law and common practice, the second grants the possibility of a legitimate

marriage having been established. However, the deposition points out that this distinction is being seriously challenged by Roman canonists on the basis of decisions made by Thomas Aquinas. Thomas speaks of two benefits of matrimony, the benefit of progeny and the benefit of maintaining connubial fidelity, and states that both belong to the essence of matrimony, so that if anything is done whereby the obligations of the matrimonial contract cannot be carried out, marriage has not really taken place. However, both the intent to have children and to maintain matrimonial fidelity may in the second sense of the word be spoken of as the *usus matrimonii*, and in this sense a true matrimony can exist without children and without matrimonial fidelity, because the essence of a thing is not dependent upon its use. Regardless of what Thomas really meant, the generally accepted opinion is that according to canon law a mutual contract comes into existence when both partners obligate themselves to specific functions and that this determination to obligate oneself to a certain function is indispensable for the connubial pact. The modern canonists seem to favor the view that the will to obligate oneself is essential for the validity of the marriage, but not the will also to render what one has promised. It is quite apparent that the distinction between the will to assume an obligation and the will to fulfill one's obligation plays a prominent part in Roman moral theology and casuistry.

The problem becomes more complicated inasmuch as the whole question is viewed not only logically but also psychologically. According to one canonist, the will not to fulfill the obligation at the time of the marriage ceremony makes impossible psychologically a true will to assume the obligation and thus the marriage is null and void. It is extremely difficult for a Roman canonist to decide this issue in individual cases, since he cannot establish what the contracting party actually willed at the time of marriage. According to the *Roman Rota*, nullity of matrimony is to be recognized if the refusal to have children is based on two assumptions: (1) when the refusal not to have children is intended to endure for the time of matrimony (*perpetuitas propositi*), and (2) when it is given without any qualification (*tenacitas propositi*). The *Roman Rota* has decided repeatedly that matrimony is null and void if the contracting parties prior to marriage have entered a pact to have no children. According to Roman canonists, the thesis seems to be generally recognized that the *ius matrimoniale* and the *ius utendi matrimonio* are identical. Therefore by the refusal to have children the *ius matrimoniale* itself is excluded.

According to some canonists, even the temporary practice of birth

control nullifies the matrimony. But the opinion seems to prevail that the validity of marriage is to be denied only if it can be established, first, that the exclusion of children is agreed upon for the duration of matrimony (*perpetuitas propositi*) and, second, that this agreement has been made unconditionally and to be a basic obligation (*tenacitas propositi*).

Lutheran pastors, when dealing in matters of mixed marriage between their parishioners and Roman Catholics, will find the study of canon law essential to see the sophistry which the Roman priest may employ in counseling his parishioner. The Romanist has so many rules and interpretations that the Lutheran is amazed and bewildered at the devious ways which the Roman priest may employ to counsel his member when serious problems arise in mixed marriages.

F. E. M.

BRIEF ITEMS FROM "RELIGIOUS NEWS SERVICE"

The American Bible Society reported that ten new languages have been added to the list of those into which the Bible has been translated during 1952. The whole Bible is published in 197 languages, a complete Testament in 257 languages, at least a Gospel or other whole book in 605 languages, and some part of the Bible in 1,059 languages and dialects.

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Pope Pius XII, speaking to an Easter throng in St. Peter's Square in Rome (estimated at 350,000 to half a million), warned that the greatest danger facing the "sick and enfeebled" world today was "the weariness that afflicts the good" and urged the faithful not to relax their efforts, but to "continue perseveringly to be vigilant in the faith and united in concord" and to keep striving "to win peace for fearful humanity." He stressed the need for unceasing vigilance. "We know that the result of prolonged continuation of the same struggles and repetition of the same trials may overcome you with discouragement. We would wish that the voice of the Easter bells should bring to you, together with joy, peace, and fraternal love, also this great warning. The danger of today is the weariness that afflicts the good. Shake off torpidity in all its forms. . . . Do not merely rest content on the laurels of the past; do not stop to contemplate the furrow once plowed, but, consolidating upon what has been happily acquired, strive always for new conquests."

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We would agree more heartily with the head of the Roman Church if it were not for news items like the following, appearing at the same time: Last July a group of American Protestant businessmen in Naples,

Italy, organized a Christian Club as a recreation center for American servicemen. In January the club was closed down by the Naples police on the grounds that "religious services" were being held there. The club's staff was notified to leave Italy upon expiration of their residence permits. The assistant director of the club, Charles George of Birmingham, Ala., was served with a 24-hour expulsion notice. United States consular and embassy officials intervened in his behalf; Vice-Admiral James Fife, deputy NATO commander in the Mediterranean area, asked the Italian Interior Ministry to allow the center to remain in operation because of the "important work" it was doing. It was understood that high government officials were becoming disposed toward renewing Mr. George's residence permit after being assured that while the club provides servicemen with spiritual assistance, it does not engage in proselyting. . . . As a result the residence permits of the three directors of the club were renewed for six months.

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Membership in the Church of Jesus Christ of Latter-Day Saints (Mormons) totaled 1,189,053 at the end of 1952, an increase of 41,896 over the previous year. This was the report given to the 123d annual general conference in Salt Lake City, Utah. They maintain 9,035 missionaries; spent \$46,526,179, \$6,000,000 more than last year; and receipts in 1952 were in excess of expenditures.

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In Rome the Sacred Congregation of Rites has issued a decree sanctioning baptismal rites in Italy in the vernacular. Published in *Acta Apostolicae Sedis*, official Vatican organ, the decree stated that in the future Baptisms in Italy could be performed in the Italian language instead of in Latin. However, the concession was approved by Pope Pius XII only on condition that the Latin text appears with the Italian version in editions of the Roman ritual. A similar concession previously had been extended to the Church in France. Church sources in Rome said the decree resulted from the need for godparents to be aware of every detail and obligation laid down in the baptismal ceremonies.

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An Evangelical clergyman, Pastor Karl August Brandt of Lohmen, Saxony, was sentenced to a six-year prison term at Guestrow, Mecklenburg, by an East German court. The court found the pastor guilty of "agitating against, and supporting the enemies of, the (East) German Democratic Republic." He was specifically castigated by the court for preaching that man's first loyalty is not to the State, but to God;

he had told his congregation from the pulpit to "obey God rather than men." The court also ordered the minister's property confiscated. He has a family of seven children. . . . Pastor Brandt is the third Evangelical clergyman sentenced this year by Communist courts in East Germany. On March 22 Pastor Werner Gestrich received a 12-year sentence from a Soviet Zone tribunal at Frankfort on the Oder. Early in February Pastor Erich Schumann of the Lutheran Church of Saxony was sentenced to six years for "agitation" against the Communist regime. Several other Protestant clergymen are known to be under arrest by Communist secret police in the Soviet Zone, while a number of others, reported "missing," are believed by church authorities to be in police custody.

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The Baptist Joint Committee on Public Affairs, meeting in Washington, D. C., quoted from a report of the Vatican's demands on the Yugoslav government. Their reaction was: If the Vatican urged Spain and Italy to apply the same standards of religious liberty to Protestants which it has asked Yugoslavia to maintain for Roman Catholics, a long step would be taken toward religious liberty everywhere. "Here the Vatican is right. American Protestants will agree."

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From Jerusalem comes the announcement, by G. Lancaster Harding, Jordan's Director of Antiquities, that the remains of some 70 Biblical scrolls, believed to be 2,000 or more years old, have been found in a cave on the shore of the Dead Sea, about 25 miles east of Jerusalem. Thirty-eight of the scrolls had been identified by Dominican scholars as manuscripts of 19 books of the Old Testament: Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Ruth, Samuel, Kings, Psalms, Ecclesiastes, Song of Songs, Jeremiah, Isaiah, Lamentations, Ezekiel, Daniel, Lesser Prophets, and of Tobit. The rest are described by the priests as commentaries and paraphrases of Biblical books, many known and hitherto unknown Apocrypha and descriptions of the conduct and organization of the Essenes, a sect of pre-Christian Jews. The cave in which the scrolls were found was almost certainly the home of the Essenes some 1,900 years ago, and it is assumed that the scrolls are from their library, probably hidden for safekeeping in these caves near the ruins of a settlement now known as Khirbet Qumran. The manuscripts are written on papyrus and leather in Hebrew, Aramaic, and Greek, some of the Hebrew and Aramaic documents in a script closely related to the ancient Phoenician. The Book of Tobit appears for the first time in Hebrew and Aramaic; only Greek translations had

been known until now. . . . Mr. Harding called this find "perhaps the most sensational archaeological event of our time" and predicted that Biblical scholars from all over the world would be kept busy "for the next generation, at least," pondering the translation and significance of the documents. . . . Recent archaeological activity in that area was prompted when a Bedouin in 1947 discovered several scrolls in a cave about half a mile from the site of the new find, among them the Book of Habakkuk and the oldest known copy of the Book of Isaiah. . . . After the Israeli-Arab war the Jordan Department of Antiquities, the French Biblical and Archaeological School, the Palestine Archaeological Museum, and later the American School of Oriental Research joined in expeditions in the area. Their most important find was two rolled-up sheets of bronze on which a long text in either Hebrew or Aramaic had been hammered. Experiments are still being made to determine whether it will be possible to unroll these scrolls, the metal of which has oxidized completely, or whether it will be necessary to cut them into strips to read the text. . . . Meanwhile the Bedouin tribe of shepherds had realized the value of old manuscripts and systematically began searching their remote district for more caves. When the Arabs found the 70 scrolls, Biblical scholars and archaeologists were faced with the job of raising enough cash to prevent the Bedouins from smuggling the manuscripts out of the country or selling them on the black market, which is indeed strictly prohibited in Jordan, but is nevertheless flourishing. The Jordan government appropriated "the necessary sum" — Mr. Harding did not disclose the amount — and about 80 per cent of the scrolls found in the cave had thus been obtained by his department. . . . The manuscripts will eventually be displayed at the Jordan Archaeological Museum in Amman, but the fragments must first be cleaned, flattened, and mounted. They will be photographed on infrared plates to reveal the writing on pieces which, to the naked eye, are completely black.

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Two government officials of India, Home Minister Kailash Nath Katju and Deputy Home Minister B. N. Datar, told the Upper House of Parliament at Delhi, India, that India will insist that foreign missionaries comply with the country's policy of limiting evangelical work to natives. He said that the 65 Roman Catholic and 50 Protestant missionary societies working in India should carry on educational, medical, philanthropic, rural, and social "uplift" work and not take part in politics; everyone in India was free to propagate his religion, but the government did not want people from other countries to come

to India to do such work. "If missionaries come here for evangelical work, the sooner they stop it, the better." All missionaries seeking entry into India knew the limitations imposed upon them and agreed to them. "If any missionary breaks his agreement, he acts in a very reprehensible manner and that has been made quite clear to missionaries working here." . . . A similar view on the work of foreign missionaries in India was previously expressed by Prime Minister Jawaharal Nehru at the conclusion of a tour among tribes that were recently head-hunters in the border region of India and Burma. Political necessity, he said, suggests that foreign evangelical missions in India should be staffed by Indian workers instead of outsiders. This was particularly urgent in primitive border areas, where the integration of tribes into the India body politic is a serious problem. Christian missionaries of Indian blood would be better equipped than foreigners to impart a sense of Indian nationhood to these highly individualistic tribes as they propagate their faith. "In purely evangelical work, if an Indian does it, it is not antinational; but a foreign missionary does not present a national viewpoint." The report concludes: While no restrictions have been placed on the admission of evangelistic missionaries to India, the government's attitude is that no missionary from a foreign country should be admitted unless it has been established that there is no suitable Indian to perform the work. Both Protestant and Roman Catholic groups have been sympathetic to this view and have been "Indianizing" their church activity.

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Bishop Bo Giertz, of the diocese of Gothenburg in Sweden, here to speak at the annual convention of the Minnesota Conference of the Augustana Lutheran Church and other meetings, said that the Swedes who come to America are better church members than their brothers and sisters who remain in the old country. He thought he had discovered part of the explanation here. "Apparently," he said, "the Free Church system gives the American layman greater interest and responsibility in his church." The State Church system, on the other hand, he pointed out, is more likely to make the laymen believe everything is going on pretty well without his help and contributions. He had found that church life here is much stronger than in Sweden.

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The Roman Catholic hierarchy has scored a victory in the Philippine Islands. The bishops had accused three educational officials of having "obstructed" optional religious classes during school hours;

they could be given only before or after school hours at times described by the bishops as "unholy hours." Now President Elpidio Quirino has issued an administrative order permitting such classes in the Philippine schools to be held before, during, and after school hours; and the Public Schools Director, one of the three officials accused, has pledged speedy enforcement of the new presidential order. . . . Meanwhile, the charges against the three officials continued; a 31-page memorandum was submitted to the justice appointed by the president, urging that the education officials be found guilty on the grounds that they had served on a Masonic committee for the elimination of religious instruction from the schools, that they are Masons, and that they violated their oath of office.

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A bill to exempt from the Federal amusement tax billiard tables and bowling alleys operated by religious and charitable organizations has been introduced in the House by a Republican Representative from Iowa, Henry O. Talle. At present a Federal tax of \$20 a table or alley must be paid each year. * * *

A church-wide scholarship plan has been launched among the 2,700 congregations of the Evangelical Lutheran Church; it is known as the Lutheran Education Aid Fund (LEAF). Under the program the congregations of the ELC will be urged to establish a LEAF committee to be responsible for making awards and counseling prospective college students. Other committees will be established on the circuit and national levels. The LEAF will be administered by the office of Christian Higher Education of the ELC, Dr. Orville Dahl, Minneapolis, executive director. . . . The value of each scholarship depends on the decision of the congregation; the maximum amount is \$400. In order to be eligible for a LEAF award, the student must be a high school graduate with an acceptable personal and scholarship record, a confirmed member of the ELC, and must have demonstrated an active interest in the work of the Church. The award may be made to a student already enrolled at one of the ELC colleges, or to one who has the capacity but lacks funds to begin, or to a student enrolled at another institution who wishes to transfer to an ELC college. The scholarship winner will be permitted to choose which of the junior or senior colleges or academies of the ELC he wishes to attend. . . . In addition to the LEAF scholarship, there will be a LEAF loan fund administered by the same committee, from which needy and deserving students may obtain a loan to complete their education. As a further

aid to the student the ELC colleges have created a financial reserve known as a conditional loan fund. For each four dollars the student is given in scholarship money, the college will place one dollar in a reserve fund to lend to the student during his remaining years at college. Thus a student receiving a \$400 LEAF scholarship will have \$100 made available to him through the conditional loan fund the following year.

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Students at Washington Missionary College at Tacoma Park, Md., bought half an elephant. They voted \$400 toward an \$800 fund to provide an elephant for a Seventh-Day Adventist mission in Southern Burma. In the jungle areas of Southern Asia an elephant is more valuable than a horse or a jeep. An elephant can negotiate thick growths that bar other travel, and it can carry loads of supplies. And around mission stations it is an animal of all work.

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In a plea to support their religious institutions Dr. Maurice N. Eisenbraht, president of the Union of American Hebrew Congregations, said: "There is not too much qualitative distinction between a synagogue sacked by the Soviets and our own temples decimated by neglect" — a word which others might apply to their own situation.

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A new method of fighting the Church. — From Berlin comes the report that services in two Evangelical churches at Quedlinburg, near Magdeburg, were disrupted by members of the Communist *Freie Deutsche Jugend* (Free German Youth). In both cases members of the youth groups entered the church singly, mingling with the worshippers. Then, after the services got under way, they began climbing upon and over pews, whistling, stamping, and shouting. One pastor was able to quash the disturbance, but at the other church the rioters could not be quieted, and the service had to be broken off.

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Speaking to the National Council of Catholic Men at the annual meeting in St. Louis, Mo., the director of television for the Council, Dean McCarthy of Washington, D. C., told the delegates that TV has "a tremendous potential for good or evil. Television might be likened to the little girl with the curl in the middle of her forehead: 'When she was good, she was very, very good; but when she was bad, she was horrid!'" He urged that Catholic men should demand "that the programs which we see in our homes be regulated by commonly accepted standards of morality and decency."

THEO. HOYER