

A16
I-A\8\2
De Matrimonio

[File 8 of Batch I-A contains three codices on individual sacraments: De extrema unctione (A15), De matrimonio (A16), and De ordine (A17). There is no evidence that these are by Lonergan. Pagination indicates that they are all part of one text. De extrema unctione is numbered 1-24, and contains theses 1-3. De ordine is numbered 25-68, and contains theses 4-6. De matrimonio is numbered 69-104 and contains theses 7-12. I have numbered them in the way indicated above because this is the way they were found in the file. The codex, De extrema unctione, contains no notations whatever, and so is not reproduced here in any form. There are notations by Lonergan in the other two, and these are reproduced here, with just enough of the codex to provide the context for Lonergan's comments.]

The first notation in De matrimonio occurs on the first page (69), in thesis 7. The thesis reads: 'Existit sacramentum matrimonii.' Matrimonium is considered dupliciter: a) formaliter seu passive; b) causaliter seu active. The explanation of 'matrimonium causaliter seu active' reads: 'actus constituens societatem matrimonialem inter duos: "contractus quo vir et mulier modo legitimo sibi mutuo tradunt jus actuum necessariorum ad generandam et educandam prolem et se obligant ad individuum vitae consuetudinem".' BL quotes here from the Code of Canon Law:

CIC 1081 #1 facit consensus inter personas iure habiles legitime manifestatus #2 consensus - actus voluntatis quo utraque pars tradit et acceptat ius in corpus perpetuum et exclusivum in ordine ad actus per se aptos ad proles generationem

After the definition of Sacramentum matrimonii ('sacramentum ad sanctificandos conjuges institutum') BL quotes the CIC again:

CIC 1110 ex valido matrimonio enascitur inter coniuges vinculum natura sua perpetuum et exclusivum

He also has the following references written in the margin, with an arrow pointing to the definition just cited: CIC 1012, 1013 #2, 1110.

The next notation occurs on p. 79. The thesis is the eighth, 'Sacramentum matrimonii est ipse contractus matrimonii Christianorum, qui perficitur per verba de praesenti.' The context is a series of difficulties, and specifically the sixth difficulty, 'Matrimonium solis conjugum verbis contractum non significat gratiam.' Next to the response ('neque actu, neque aptudine significant, N.; non significat actu: absque Dei positiva institutione, C., etiam ex positiva dei institutione, N.')

BL writes:

significat unionem membrorum C. M. [corporis mystici] DB 702

The next notation is written at the very top of p. 81, between objections 10 and 11. Objection 10 reads: 'De integritate matrimonii est ut vir et

mulier copulam carnalem habeant: ergo matrimonium non perficitur absque copula carnali.' Objection 11 cites several scripture passages to make essentially the same point. Between these two objections, BL writes:

Matrimonium est forma, ens morale, quo copula licita differt ab illicita

Next to the paragraph of objection 11 giving three sets of scripture passages, BL has written 1, 2, 3, indicating the three sets.

On the same page, next to the response regarding Eph 5.31,32 ('sensu directo agit de amicitiae unione perfectissima quae debet existere inter christianos conjuges: ergo de permanente conjugii vinculo; de copula carnali non nisi indirecte ut de actu ad quem hujusmodi vinculum jus et potestatem facit.') BL writes:

textus non dicit utrum magnum mysterium sit in "una caro" materialiter vel moraliter C interpretatur de materialiter x N

Next to the response regarding 1 Cor 6.16 ('alii alio modo explicant. Nobis praeplacet P. Cornely expositio. Scilicet, S. Paulus ad amorem illegitimum, quo per peccatum conglutinantur fornicatores sensu analogo transfert verba Dei ea amoris vinculo legitimo conjugum. Dicit enim fornicatores fieri unum corpus, non unum spiritum, sicut Xtus et nos sumus.') BL writes:

sola copula carnalis facit "unam carnem" materialiter C formaliter N nam datur copula carnalis sine ulla forma matrimonii

On p. 82, objection 13 reads: '1 Cor 7, 9 Matrimonium non essentialiter perficitur ut sacramentum sine quo nullum remedium praestat; Atqui matrimonium remedium non praesta [sic] sine copula carnali: Ergo matrimonium non est sacramentum sine copula carnali.' The response is: 'DIST. MAJ.-per gratiam quae in eo datur, C. per actum suum, N. CONTRAD. MIN. - Suppl. 42, 4 ad 4m.' Next to this response BL writes:

Praeterea - esse
operari

The next notation is on p. 84, after a corollary to the response to objection 18. There are two corollaries, and they read:

'Coroll.1.- Propositum servandae castitatis perpetuae non obstat matrimonio. Doctrina certa et communis.

Coroll.2.- Videtur idem dicendum de voto perpetuae castitatis etiam in pactum matrimoniale deductum, modo neutra pars positivo voluntatis actu excludat jus etiam radicale et remotum ad actum conjugalem.

Doctrina disputata inter DD., sed nobis probabilior videtur. P. 752, 753; CIC, c. 1086, # 2; Rosset, 192-203.'

BL writes here:

disputatur maxime de fundamento. J. Ford. The Validity of Virginal Marriage Harrigan Press, Worcester, Mass.

Thesis 9 (p. 85) reads: 'Sacramentum matrimonii efficit vinculum inter conjuges intrinsecus plane indissolubile.'

The first of the adversarii are 'Athei et Rationalistae; Protestantes et Orientales Schismatici: "ob varias rationes conjuges possunt vinculum matrimoniale solvere".' Next to this BL writes: Joyce 27

On p. 90 there is a discussion of Mt 5.31,32; 19.9. BL has filled in the relevant Greek words.

Thesis 10, beginning p. 94, reads: 'Matrimonium ratum et consummatum est etiam extrinsecus prorsus indissolubile.' Among the difficulties is the following, numbered 3, on p. 96: 'Quae potest quodcumque vinculum morale solvere, potest etiam vinculum matrimonii rati et consummati solvere; Atqui Ecclesia potest quodcumque vinculum morale solvere; ex. Mt.16, 19. Ergo...' BL has an arrow drawn to the bottom of the page, where he writes:

quodcumque solveritis in terris erit solutum et in coelis. Eccl. potest solvere omne vinculum quod solvit C omne prorsus vinculum etiam quod non solvit Peto probationem