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## EPIKEYA

# Celebrating Mass is an act of full obedience

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*It is not a loophole to circumvent the law. Celebrating Mass in this time of crisis is actually an act of full obedience. It is about practicing epikeia, a virtue cited inappropriately to discern communion for the divorced and remarried, but which instead may be perfectly applied to Masses currently prohibited during coronavirus pandemic.*



Once upon a time there was the virtue “epikeia.” I don't know if readers remember the Synod on the Family and its opening up of discussion about granting Communion to the divorced and remarried who continue to live *more uxorio*. At the time, the defenders of the "merciful side of the Church" went to trouble St. Thomas Aquinas for his wisdom, precisely on the virtue of epikeia. Their goal was to make permissible what is generally impermissible.

**Yet epikeia, which means “equity or reasonableness”,** is truly an essential virtue for being able to adhere to that first *regula* "which must regulate all created wills", that is, the will of God (cf. *Summa Theologiae*, II-II, q. 104 , a. 1 ad. 2). This is so since it may happen that laws, created by legitimate authorities, in some situations end up harming the very common good they aim to protect.

**Thomas points out that there are cases** in which "it would be a sin to follow the law literally", while instead it is "a good thing to follow what the sense of justice and the common good demands, thereby neglecting the letter of the law" (II-II, q. 120, a. 1).

**A clarification must be made immediately:** we are, willingly or unwillingly, imbued with a positivist conception of law and justice - the source of many evils of our time and which fuels dictatorial agendas, including those already in force. The virtue of

epikeia warns us of two rather common errors, both linked to a legalistic conception of rules: on the one hand there is the search for loopholes, exceptions, and dispensations, to release us from the obedience to the law. On the other hand, there is the attitude of legalistic obedience which is content to respect rules, yet loses sight of the virtue of justice and the common good. This is important for Thomas, as he does not think of epikeia as a kind of benevolence or approximation. On the contrary, he defines epikeia "as a superior rule of human acts" (II-II, q. 120, a. 2): superior not to justice, but to legal justice "which merely observes the law literally." (Ibid , ad 2)

**Why is epikeia a superior rule?** Because it aims to fulfil the good of the law, which is characterised by the *ratio iustitiae* and the *communis utilitas*, going beyond the letter of the law, when the letter of the law ends up harming these two principles which are essential to all laws and of what can bind our conscience under forms of obedience.

**We may now address the current situation.** There are many priests who would like to meet the true spiritual needs of the faithful, who for more than a month have been forcefully deprived attending Mass, and, in many places, even receiving Communion and the sacrament of Confession. This is a situation that will certainly continue until the beginning of May and, we fear, for an extended period beyond this date. However, many priests have scruples about their "disobedience" to the Italian Bishops' Conference, to their local Ordinary, to their religious superior, and to civil authorities.

**The rules that have been put into effect by bishops** presumably intend (*ratio iustitiae*) to limit the spread of the contagion (*communis utilitas*). However, they definitely neglect another *bonum*, higher than that of physical health, namely, the *salus animarum* or spiritual health which coincidentally is (or should be) the supreme *lex* of every action of the Church. The point to understand is that God has chosen to communicate His Grace through the sacramental channels to which we are connected. Of course, God is not limited to these means, but we are. The significance of this is that in the impossibility of accessing the sacraments - because one is sick or because the priest cannot be reached in a reasonable time and place - God is sovereign and can grant sacramental Grace even in the absence of the sacrament itself.

**But what we are experiencing is quite different:** the priests are there and most of the people are in fact not sick. *Ergo*, we are bound to approach the sacraments. Moreover, priests who remain faithful to their priestly identity do well to meet the supernatural needs of souls who request the sacraments when duly available.

**And what about getting infected with the coronavirus?** Well, since you can go to the supermarket, tobacconists, newsstands, and ride the bus, with similar precautions, you can also go to Mass and receive the sacraments. Period.

**The priests who have found the courage to do this**, even formally going against the provisions of their bishops, are more fully obedient than those who have completely followed every letter of the law. They follow the example of Christ himself and the Apostles, who did not hesitate to disobey rules required of them by the

legitimate religious authorities of the time - of which Jesus even said "what they tell you, do it and observe it" (Mt 23, 3 ) - in order to obey higher principles, that is, God Himself.

**Whether they know it or not**, these priests have acted according to the virtue of epikeia, the fullness of justice and obedience. It is not an exception to obedience, or imperfect obedience, but exactly the opposite.

**Bishop Athanasius Schneider is one of the few bishops** who has raised his voice to shake priests from their fear and false conscience of formal obedience. He said priests must remember that they are "first and foremost shepherds of immortal souls who are called by their priestly vocation to lay down their lives for the sheep... They are to imitate Christ, who said: 'The good shepherd lays down his life for the sheep. The mercenary instead, who is not a shepherd and to which the sheep do not belong, sees the wolf coming, abandons the sheep and runs away' [...] If a priest observes in a reasonable manner all the necessary health precautions and uses discretion, he has not to obey the directives of his bishop or the government to suspend Mass for the faithful. Such directives are a pure human law; however, the supreme law in the Church is the salvation of souls. Priests in such a situation have to be extremely creative in order to provide for the faithful, even for a small group, the celebration of Holy Mass and the reception of the sacraments. Such was the pastoral behaviour of all confessor and martyr priests in the time of persecution." A higher good and a higher law is precisely what epikeia aims at.

**Be brave, dear priests! May the faithful be equally courageous.** You have the right to be disturbed. There is even part of the secular world that has taken notice of the totalitarian shift this emergency situation is taking. And us Catholics, what are we doing? We who know that Mass is more necessary for humanity than the sun; we who know by faith that the Eucharist is more necessary than bread. We are those who have promised to put God first at all times, even before our own lives. Will we accept, out of a misunderstanding of the nature of obedience and prudence, that the total gift of self that Christ made in the Eucharist remains locked up in our tabernacles?

**Note:** All those bishops and theologians who invoked epikeia following the release of the encyclical *Amoris Laetitia* are not so zealous in this situation. As the proverbial saying goes: "A tree is known by its fruits."

